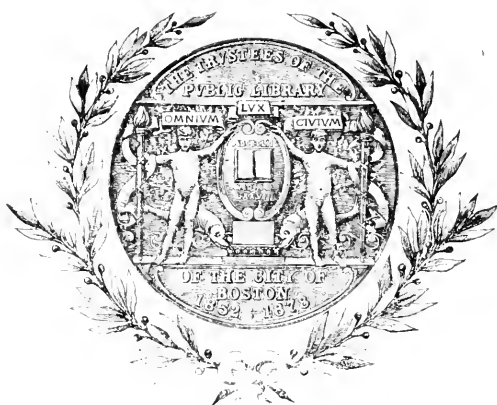




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COMMITTEE ON UN-AMERICAN ACTIVITIES

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## CONTENTS

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February 25, 1953 :	Page
Testimony of Robert Gorham Davis .....	1
February 26, 1953 :	
Testimony of—	
Daniel J. Boorstin .....	47
Wendell Hinkle Furry .....	62
Granville Hicks .....	95
February 27, 1953 :	
Testimony of Barrows Dunham .....	117



# COMMUNIST METHODS OF INFILTRATION (EDUCATION)

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WEDNESDAY, FEBRUARY 25, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to notice, at 10:35 a. m., in the caucus room, Old House Office Building, Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Bernard W. Kearney, Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Francis E. Walter, Morgan M. Moulder, Clyde Doyle, and James B. Frazier, Jr.

Staff members present: Frank S. Tavenner, Jr., committee counsel; Thomas W. Beale, Sr., chief clerk; Louis J. Russell, chief investigator; Raphael I. Nixon, director of research; Donald T. Appell and Earl L. Fuoss, investigators.

Mr. VELDE. The committee will come to order.

Let the record show that all of the committee members are present and a quorum of the full committee is present for the purposes of this hearing.

Mr. Counsel, do you have a witness?

Mr. TAVENNER. I don't see the witness present. Mr. Robert Gorham Davis.

(Discussion off the record.)

Mr. VELDE. Mr. Davis, will you raise your right hand?

In the testimony you are to give before this committee do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAVIS. I do.

Mr. VELDE. Mr. Davis, it is our understanding that you are a member of the teaching profession. In opening this hearing, it is well to make clear to you and others just what the nature of this investigation is.

From time to time, the committee has investigated Communists and Communist activities within the entertainment, newspaper, and labor fields, and also within the professions and the Government. In no instance has the work of the committee taken on the character of an investigation of entertainment organizations, newspapers, labor unions, the professions, or the Government, as such, and it is not now the purpose of this committee to investigate education or educational institutions, as such. The committee will follow its long-established policy of investigating Communists and Communist activities wherever it has substantial evidence of its existence.

When investigating Communists and Communist activities within certain labor unions, the committee was met with the charge by alarmists and partisans within that field that the committee was a group of Fascists and the enemy of labor, and that the real purpose of the investigation was to destroy labor unions. Similar and equally unfounded charges have been made with regard to this hearing. In pursuing its work within the field of labor, the committee carefully refrained from taking any part in any internal disputes within labor or any disputes between employers and employees and confined its activities to the ascertainment and identification of leaders in the labor unions who were members of the Communist Party and were using their influence to promote the objectives of the Communist Party within the field of labor, and to the character, extent, and objects of their Communist Party activities. The work of the committee in this respect has met with such growing success that many labor unions are now actively engaged in eliminating from positions of influence union officials known to be members of the Communist Party and engaged in Communist activities.

The purpose of the committee in investigating Communists and Communist activities within the field of education is no greater and no less than its purpose in investigating Communists and Communist activities within the field of labor or any other field.

The committee is charged by the Congress with the responsibility of investigating the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution and all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

It has been fully established in testimony before congressional committees and before the courts of our land that the Communist Party of the United States is part of an international conspiracy which is being used as a tool or weapon by a foreign power to promote its own foreign policy and which has for its object the overthrow of the governments of all non-Communist countries, resorting to the use of force and violence, if necessary. This organization cannot live except by the promulgation and diffusion of subversive and un-American propaganda and in the view of this committee every person who remains a member of it is contributing to the ultimate accomplishment of its objectives. Communism and Communist activities cannot be investigated in a vacuum. The investigation must, of necessity, relate to individuals and, therefore, this morning the committee is calling you as a person known by this committee to have been at one time a member of the Communist Party.

The question is sometimes asked whether it is necessary to call as witnesses those who are no longer members of the Communist Party. It is quite obvious for a number of reasons that the answer should be "Yes." Such witnesses add immeasurably to the sum total of the knowledge of the character, extent, and objects of Communist activities. The testimony of former Communist Party members resulted virtually in immobilizing the Communist Party in Hollywood. These witnesses considered it their patriotic duty to answer under oath questions relating to their knowledge of Communist infiltration into

the organizations of which they had been members, and to their knowledge of other Communist Party activities. Witnesses from the Screen Writers' Guild, the directors' guilds, labor unions, the legal profession, the medical profession, and other groups have made a great contribution to the defense of their country by disclosing to this committee facts within their knowledge.

Former Communist Party membership, in the view of the committee, should not be held against an individual whose testimony admitting former Communist Party membership has that character of trustworthiness which convinces one that he has completely and finally terminated his Communist Party membership and has been given in all good faith. It is of great aid in determining who remain in the Communist Party to ascertain who have left it.

The committee was greatly concerned with the evidence developed in the Hollywood hearings with respect to the type of "thought control" practiced by the Communist Party upon its members. Screen writers were told how and what they should write. The testimony of Budd Schulberg and Edward Dmytryk demonstrate the point as clearly as laboratory experiments would prove a chemical reaction. The same influence was found to exist in the field of art and music. An objective study of this testimony will lead to the inescapable conclusion that it is the Communist Party which is the enemy of academic freedom.

The committee is equally concerned with the opportunities that the Communist Party has to wield its influence upon members of the teaching profession and students through Communists who are members of the teaching profession. Therefore, the objective of this investigation is to ascertain the character, extent and objects of Communist Party activities when such activities are carried on by members of the teaching profession who are subject to the directives and discipline of the Communist Party.

Proceed, Mr. Tavenner.

#### TESTIMONY OF ROBERT GORHAM DAVIS

MR. TAVENNER. Mr. Davis, will you state your full name, please?

MR. DAVIS. Robert Gorham Davis.

MR. TAVENNER. Now when and where were you born, Mr. Davis?

MR. DAVIS. In Cambridge, Mass., June 8, 1908.

MR. TAVENNER. How are you now employed?

MR. DAVIS. I teach at Smith College.

MR. FRAZIER. Mr. Chairman.

MR. VELDE. Mr. Frazier.

MR. FRAZIER. I want to ask Mr. Davis whether or not he wants to be represented by counsel. I think we should ask him—or whether he had counsel.

MR. VELDE. All right. Ascertain that, Mr. Counsel.

MR. TAVENNER. Do you have counsel present with you in the hearing room?

MR. DAVIS. No; I do not.

MR. TAVENNER. It is the practice of the committee to encourage the use of counsel by witnesses if they desire. So I would like to ask you if you desire counsel present?

MR. DAVIS. No; I do not.

Mr. TAVENNER. Will you state to the committee, please, what your educational training has been?

Mr. DAVIS. I was educated in the public schools of Cambridge; went to Harvard as a scholarship student in the class of '29; received my master's degree in 1930; returned to Harvard for further graduate work in 1933.

Mr. TAVENNER. How long did you remain at Harvard in 1933, when you went there in 1933?

Mr. DAVIS. I taught 10 years until 1943.

Mr. TAVENNER. I want to ask you at this stage whether you object to the cameras, the photographs that are being taken, and I believe the movies which are being taken?

Mr. DAVIS. No; I do not.

Mr. CLARDY. You understand you have a perfect right to do so if you wish?

Mr. DAVIS. Yes.

Mr. TAVENNER. Will you state, please, what your employment has been since the completion of your education?

Mr. DAVIS. I taught at Rensselaer Polytechnic Institute from 1930 to 1933; was an assistant at Harvard from 1933 to 1934; an instructor from 1934 to 1940; a faculty instructor from 1940 to 1943. I went to Smith as a visiting lecturer and was made an associate professor in 1945 and full professor in 1952.

Mr. TAVENNER. Professor Davis, are you now a member of the Communist Party?

Mr. DAVIS. I am not.

Mr. TAVENNER. Have you ever been a member?

Mr. DAVIS. Yes.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you became a member; how long you remained a member; and the circumstances under which you left the party?

Mr. DAVIS. I joined the Communist Party in January of 1937. I left the Communist Party in the fall of 1939, after the pact between the Germans and the Russians.

Mr. TAVENNER. Since 1939 have you consistently been an opponent of the Communist Party?

Mr. DAVIS. I have.

Mr. TAVENNER. Now will you state more in detail the circumstances under which you became a member of the party?

Mr. DAVIS. Do you wish to know the influences that led me to join?

Mr. TAVENNER. Yes. I think we should have the entire picture for the benefit that it may be to others.

Mr. DAVIS. Well, I should say that ideologically there were three elements: First, the fact of the depression. To my generation it seemed intolerable that men should be unemployed; that food and cotton should be destroyed while people were hungry in a country as advanced technologically as the United States, and with such tremendous natural resources. We sought to understand the reason for the depression, for the waste of human and natural resources, and were led because of the spirit of the thirties to concern ourselves with the Marxist explanation.

One reason why Marxism appealed to my generation is because we were products of the twenties, educationally—a period of uncertainty and skepticism. Marxism seemed to offer a positive solution—an



affirmative philosophy. We also had been taught that the First World War accomplished nothing despite the 4 years of suffering and slaughter. We were determined that another fruitless war of that kind should not occur.

Finally, we were very much aware of the growing menace of Hitlerism, and it seemed that Hitlerism could be stopped internationally, and a developing Fascist movement, or what might turn into a Fascist movement, in this country, could be stopped only by organizing a very broad, united front—and this the Communist Party purported to do. They did seem to be taking the lead against Hitlerism.

As you remember, this was the period of the movement for collective security in the League of Nations. This was also the period of the Spanish Civil War, when the democracies seemed to be fighting against the armed forces of Hitler and Mussolini in Spain.

All these influences converging made me feel before I went into the party that it was my idea to align myself with this leadership.

I discovered in the 2 years which followed that I had made a mistake, but my break did not come finally until after the Hitler-Molotov pact, which initiated the Second World War.

I left then not only because the shift of the line led me into a position which was politically and morally intolerable, but also because I had had such experience of the intrigues and duplicity that are inseparable from Communist Party membership with the requirement that one critically defend the Soviet Union, that as a person of morality and sincerity I could remain in that position no longer.

I not only broke with the party, but increasingly in the years that have followed have I felt it necessary to fight the influence of the Communist Party in those areas where I could be most effective.

Mr. CLARDY. And you regard your appearance here today as falling in that category, I take it?

Mr. DAVIS. Yes. It is an unpleasant duty, but one I feel I must accept.

Mr. TAVENNER. Did you have the feeling during the period of your membership in the Communist Party that the Communist Party was being used as a tool by a foreign power for the advancement of its own foreign policy?

Mr. DAVIS. That was less clear at the time because the Russian policy then—the policy of collective security to which I refer—seemed an effective policy against fascism; and, therefore, not only did I accept it, but as you know, many liberals and progressives were ready at that time to unite with the Communist Party because it did seem to be working for peace and against fascism.

Mr. TAVENNER. Did your view change as a result of subsequent events?

Mr. DAVIS. Yes. The shift of policy after 1939 and the rapidity with which the Communist Party in this country fell in line with the Russian policy, even though they didn't understand it, made it quite clear that they were acting for the Soviet Union; that they were in a certain sense Soviet nationalists and not working for the broader interests of the American people.

Mr. TAVENNER. I believe you stated that you became a member of the Communist Party in September of 1937?

Mr. DAVIS. No. I believe it was January.

Mr. TAVENNER. In January of 1937?

Mr. DAVIS. Sometime in the middle of that winter.

Mr. TAVENNER. How were you employed at that time?

Mr. DAVIS. I was teaching at Harvard.

Mr. TAVENNER. What type of a group of Communists were you assigned to upon joining the party?

Mr. DAVIS. It was a very small group. I think the active members were no more than 6 or 7 at that time and they comprised 2 or 3 persons connected with Harvard and some townspeople.

Mr. TAVENNER. Was it the type of an organization which has been frequently referred to as a neighborhood group?

Mr. DAVIS. No. I think it had a rather more special connection than that. I think most of the people in it were professionals, or the wives of professionals in academics.

Mr. TAVENNER. How long did you remain a member of that particular group?

Mr. DAVIS. That is the only group I ever belonged to, but it changed its character after a few months.

Mr. TAVENNER. Will you explain that, please?

Mr. DAVIS. Because of the temper of the time more teachers were coming into the Communist Party and, therefore, the group was made exclusively a Harvard teachers' or graduate student group.

Mr. KEARNEY. How many members were in that group when you first joined?

Mr. DAVIS. I remember at the first meeting I went to—it is a very dim image now, but as I say, I don't think there were more than 7 or 8, or 6 or 7 people there.

Mr. KEARNEY. Did the membership increase as time went on?

Mr. DAVIS. It increased, but I don't believe that it ever comprised more than 15. I would say that was the maximum.

Mr. KEARNEY. Was the membership of this organization that you at that time joined—were they mostly confined to membership in the neighborhood surrounding Harvard, with Harvard teachers?

Mr. DAVIS. As I say, they were—after a few months they became either exclusively Harvard teachers or graduate students at Harvard, or fellows.

Mr. MOULDER. Mr. Chairman, you asked him to what group he was assigned, Mr. Kearney. Could you elaborate on that? Did you join somewhere else or did you just join that group?

Mr. DAVIS. What I did was talk to a person whom I assumed to be a Communist Party member, and he invited me to the meeting.

Mr. KEARNEY. He invited you to the Communist Party meeting?

Mr. DAVIS. Yes.

Mr. KEARNEY. And you assumed that he was a member?

Mr. DAVIS. Yes.

Mr. KEARNEY. Did you later discover that he was a Communist?

Mr. DAVIS. Yes.

Mr. TAVENNER. What was his name?

Mr. DAVIS. I am not certain at this distance which of two persons it was.

Mr. TAVENNER. Were both of the persons that you have in mind persons known to you to be members of the Communist Party?

Mr. DAVIS. Yes.

Mr. TAVENNER. Then I will ask you to give the names of both of them.

Mr. DAVIS. Louis Harap.

Mr. TAVENNER. Will you spell the last name, please?

Mr. DAVIS. H-a-r-a-p.

Mr. TAVENNER. And I think you should spell the first name.

Mr. DAVIS. L-o-u-i-s.

Mr. TAVENNER. If you know what his subsequent connection was with the Communist Party I think you should tell us. That is, if you know of your own knowledge whether he has remained in the Communist Party for any definite period of time or whether he withdrew from the party at any time, I would like you to so state.

Mr. DAVIS. I have no first-hand knowledge. I have read writing by him in recent years which would suggest that his tendency had remained the same.

Mr. KEARNEY. Is he a professor at Harvard?

Mr. DAVIS. No; he was not. He was employed in a very minor capacity as librarian, I believe, of the philosophy library.

Mr. KEARNEY. Is he still connected in that position?

Mr. DAVIS. No. He left Harvard many years ago.

Mr. KEARNEY. Do you know what he is doing now?

Mr. DAVIS. I believe he is editor of a magazine.

Mr. KEARNEY. Do you know the name of the magazine?

Mr. DAVIS. It is the Jewish Affairs, I believe. Some such magazine.

Mr. VELDE. Will you spell that, please?

Mr. DAVIS. The name of the magazine?

Mr. VELDE. Yes.

Mr. DAVIS. Yes. J-e-w-i-s-h A-f-f-a-i-r-s.

Mr. KEARNEY. He is the editor, you think?

Mr. DAVIS. Yes. I think he is editor.

Mr. KEARNEY. Do you know where that is published?

Mr. DAVIS. In New York.

Mr. TAVENNER. Now will you give us the name of the second person who may have been the person whom you first interviewed with regard to joining the Communist Party?

Mr. DAVIS. William Parry—P-a-r-r-y.

Mr. TAVENNER. Do you know whether he remained in the Communist Party for any period of time or whether he is still in the Communist Party, to your knowledge?

Mr. DAVIS. I have known nothing of him since, I believe, 1938.

Mr. TAVENNER. Were you required to sign a card, or were you issued a card evidencing your Communist Party membership?

Mr. DAVIS. For the purpose of collecting dues the treasurer of the unit had a group of booklets in which stamps were pasted to show that the dues had been paid.

Mr. CLARDY. You said "the union"?

Mr. SCHERER. Unit.

Mr. DAVIS. Unit. I'm sorry.

Mr. CLARDY. Oh, you said unit. I'm sorry. I can't hear you up here.

Mr. DAVIS. Do you want me to adjust the microphones?

Mr. TAVENNER. Did that card have your name on it?

Mr. DAVIS. No. It had either initials or a pseudonym, and the initials were not actually the initials of the person.

Mr. TAVENNER. Will you tell the committee the reason for that?

Mr. DAVIS. This was a professional unit and professional units were always particularly protected so that there would be no publicity which would be harmful to the careers of the individual members.

Mr. TAVENNER. By that you mean that your Communist Party membership was kept secret from the rank-and-file members of the Communist Party?

Mr. DAVIS. Yes. To a very large extent.

Mr. TAVENNER. And it was in order to preserve that special privilege of immunity, or immunity, that pseudonyms were used?

Mr. DAVIS. Yes.

Mr. TAVENNER. What was your pseudonym?

Mr. DAVIS. I don't remember because we simply made up one as the books were issued and didn't use it in any other connection. It was purely an aid to memory, so to speak, when the dues were paid. The treasurer called out the names and the persons identified themselves.

Mr. TAVENNER. Was the decision to have the names kept secret one of national policy of the Communist Party in such organizations as yours, or was it the result of a decision of your own group?

Mr. DAVIS. This was regular practice, I believe.

Mr. TAVENNER. How was that practice and other Communist practices relayed to your group?

Mr. DAVIS. The treasurer was informed by the officials what the practice was and instructed in the use of these books.

Mr. TAVENNER. Who was your treasurer at that time?

Mr. DAVIS. I can't remember. The officers within the group kept changing and the membership kept changing. This is, as you know, 15 years back.

Mr. TAVENNER. Do you recall the names of any Communist Party functionaries who relayed the instructions and directives from the Communist Party to your group?

Mr. DAVIS. Yes. There was a paid functionary named Hy Gordon.

Mr. CLARDY. What was his capacity with the party?

Mr. DAVIS. He was an official of some sort. I don't know his title, but he devoted his full time to these activities and was paid some small salary to which this unit contributed.

Mr. CLARDY. He was the chief giver of directions, shall we say?

Mr. DAVIS. Yes. There also was a girl named Margot Clark. M-a-r-g-o-t C-l-a-r-k.

Mr. CLARDY. Was she a paid functionary also?

Mr. DAVIS. No, I don't believe she was a paid functionary, but she went back and forth between this unit and the officials.

Mr. TAVENNER. Do you recall how Margot Clark was employed at that time?

Mr. DAVIS. Then or later she ran a book shop near Harvard Square called something like The Progressive Book Shop.

Mr. TAVENNER. Did she have any other employment during the time you knew of her Communist Party activities?

Mr. DAVIS. No.

Mr. KEARNEY. Was your group ever addressed by high functionaries of the Communist Party?

Mr. DAVIS. Yes. A man named Phil Frankfeld. P-h-i-l F-r-a-n-k-f-e-l-d.

Mr. KEARNEY. Phil Frankfeld?

Mr. DAVIS. Phil Frankfeld visited it from time to time.

Mr. KEARNEY. Do you know where he lives?

Mr. DAVIS. Where he lived then? No; I don't

Mr. KEARNEY. Did you discover where he lived later?

Mr. DAVIS. He has had a very public career since then. He was involved in one of the trials, I think, at Philadelphia.

Mr. KEARNEY. I think you are quite correct in assuming he has had quite a public career.

Did you ever know whether the gentleman in question came from Baltimore or Washington?

Mr. DAVIS. It is my impression that he came from Baltimore or Washington.

Mr. TAVENNER. Mr. Chairman, the testimony before the committee shows that he was sent from Philadelphia to the Baltimore area and was at one time the head of the Communist Party for the Washington district, which consisted of the District of Columbia and Maryland.

Mr. WALTER. Where is he now, Mr. Tavenner?

Mr. TAVENNER. He was recently convicted at Baltimore along with others for violation of the Smith Act.

Mr. KEARNEY. I think he is serving sentence now.

Mr. TAVENNER. I think so.

Mr. SCHERER. Professor, do you know where Hy Gordon is today?

Mr. DAVIS. No. I have never seen him since the thirties.

Mr. SCHERER. Do you know where the Clark woman is today?

Mr. DAVIS. No.

Mr. TAVENNER. Will you state how frequently the group met?

Mr. DAVIS. During the academic year I think it was once a week. Certainly it was as often as twice a week.

Mr. TAVENNER. Where were these meetings held?

Mr. DAVIS. In the apartments of the members.

Mr. TAVENNER. What was the nature of the business that was conducted at the meetings?

Mr. DAVIS. It consisted, as I remember it, of three activities: First, discussing the policies of organizations to which we belonged, like the Teachers' Union, or the front organizations, and determining upon the role that the individual member should play in those organizations;

Secondly, the question of Marxist education—organizing study groups to which teachers would be invited; and, thirdly, various fund-raising activities for united front organizations or for the party itself.

Mr. TAVENNER. Let us consider each of those functions in the order in which you named them.

Now what was the policy of the Communist Party with reference to your activities in outside organizations?

Mr. DAVIS. We were to assume positions of leadership so that their policies would be as close to the policies desired by the Communist Party as possible.

Mr. TAVENNER. How was that information transmitted to you as to what organizations you were to infiltrate?

Mr. DAVIS. I think it hardly needed to be transmitted, because our immediate concern was with the Teachers' Union and with organizations like the [American] League for Peace and Democracy.

Mr. TAVENNER. It may be well at this point for you to give us the names of all the organizations which your cell or group of the Communist Party infiltrated or endeavored to infiltrate.

Mr. DAVIS. The so-called front organizations change so rapidly that it is hard for me to remember them. But during the period in which I was active we were concerned dominantly with the Teachers' Union.

Mr. TAVENNER. Was that merely a local union at Harvard, or was that a national union?

Mr. DAVIS. It was the national union affiliated with the American Federation of Teachers, which belonged to the A. F. of L.

Mr. TAVENNER. Do you recall what instructions were given you by the Communist Party, or any functionaries of the Communist Party, with regard to that particular organization?

Mr. DAVIS. I think we were left pretty much to ourselves as far as the local organization is concerned, because we all read the party press and were aware of what the general line was. We got the various publications of the Teachers' Union—

Mr. KEARNEY. But isn't it also true that from time to time you received instructions from national headquarters on your procedure?

Mr. DAVIS. Oh, yes. As I say, persons like Frankfeld sat in with us, but that was on the whole to educate us because the party felt we were liberals and progressives, and we were not thoroughly grounded enough—not thoroughly disciplined enough—so that, as I recall these conversations, they were of a fairly general nature since the persons who came to visit us were not very well informed about the Teachers' Union itself.

On a national scale the situation was different. There there was a Communist Party faction which did receive—

Mr. KEARNEY. Pardon me. Was Frankfeld a member of the teaching profession?

Dr. DAVIS. No. So far as I know he had no connection with it.

Mr. TAVENNER. You were familiar with the teachings of Lenin on the subject of the activity of teachers and what they should endeavor to do, I assume?

Mr. DAVIS. I have seen a passage quoted often since. I don't recall it from those days.

Mr. TAVENNER. I have before me volume 23 of Lenin and I find at page 499 this statement:

But today the chief task of those members of the teaching profession who have taken their stand with the International and the Soviet Government is to work for the creation of a wider and, as nearly as possible, an all-embracing teachers' union.

Mr. DAVIS. Yes. That is correct.

Mr. TAVENNER. And again on page 500 there is this statement:

Your union should now become a broad teachers' trade-union embracing vast numbers of teachers; a union which will resolutely take up its stand on the Soviet platform and the struggle for socialism by means of a dictatorship of the proletariat.

You are aware of those purposes and of that thinking of the Communist Party?

Mr. DAVIS. Yes.

Mr. MOULDER. Was that book referring to the teachers in our educational institutions, or just as representatives?

Mr. TAVENNER. This has reference to the teachers' trade-unions throughout the world and not any one particular country or any one segment of the country.

Mr. DAVIS. Of what date are those passages? Lenin was not speaking of the United States, of course.

Mr. VELDE. We hope not.

Mr. TAVENNER. What activity did your group engage in which might be said to have carried out the policy as expressed by Lenin of assisting in the organization of teachers' trade-union movement which would be adaptable to the purposes of the Soviet Union?

Mr. DAVIS. We worked very hard to build up the Teachers' Union in Harvard and to build up teachers' unions generally, and we did this with a comparatively clear conscience because our objectives, our immediate objectives, were to improve teaching conditions, raise salaries, and so on; but also obviously we wished teachers to take the same position that we took on public questions.

Mr. TAVENNER. Was there a local of that organization at Harvard?

Mr. DAVIS. Yes.

Mr. TAVENNER. Did it have a name?

Mr. DAVIS. It was called the Cambridge Union of University Teachers, as I recall.

Mr. TAVENNER. Will you explain the manner in which the Communist members of your group functioned within the Teachers' Union—your local Teacher's Union?

Mr. DAVIS. We usually discussed before a meeting what policies we would urge at the meeting; and whenever there were elections we would decide in advance what candidates we would propose or support.

Mr. TAVENNER. And the purpose of that was to make certain that the plans of your group were carried out because the vast majority of members of your local were non-Communist?

Mr. DAVIS. Yes.

Mr. TAVENNER. Did your group ever oppose the election of an official of the local group who was opposed to the Communist Party?

Mr. DAVIS. That would follow almost inevitably from the fact we did support some. Naturally we would oppose their opponents, but I can't remember specific instances.

Mr. TAVENNER. Did the group of Communists who were working within the Teachers' Union also sponsor the passage of resolutions which the Communist Party as a whole was interested in having endorsed or adopted by various groups?

Mr. DAVIS. Yes.

Mr. TAVENNER. Can you recall any specific instance?

Mr. DAVIS. No; I can't, but they would have to do again with the national political situation at that time.

The Communists supported the New Deal, supported the Roosevelt administration until the Russian pact of 1939; and many of the measures which they supported were, I think, good measures—against anti-Semitism; against fascism; for minority rights.

Mr. TAVENNER. Did your group of Communist Party members endeavor to control the selection of delegates from the local Teachers' Union to national conventions?

Mr. DAVIS. Yes.

Mr. TAVENNER. And also to district conventions?

Mr. DAVIS. Yes.

Mr. TAVENNER. Of what district was the local at Harvard a member?

Mr. DAVIS. The Massachusetts Teachers' Union—whatever its title was.

Mr. CLARDY. Can I interject there?

Were you successful in your efforts to obtain that control in the selection of delegates?

Mr. DAVIS. During that period; yes.

Mr. CLARDY. Was that because you had been a cohesive body, knew where you were going, and worked hard at it?

Mr. DAVIS. And also because, as I say, the policies we supported were policies supported by many liberals and progressives at that time.

Mr. CLARDY. And you had the support of many other people who would probably have rebelled at communism as a word or party?

Mr. DAVIS. I am not even sure the last is true, because many were willing to work with Communists in the united front at that time.

Mr. CLARDY. Even though they knew they were working with Commies?

Mr. DAVIS. Yes.

Mr. DOYLE. What year was that, please?

Mr. DAVIS. That was between 1937 and 1939.

Mr. CLARDY. We are talking now about those in the teaching profession particularly?

Mr. DAVIS. Yes.

Mr. CLARDY. You understand that?

Mr. DAVIS. They would have said, though, they objected strongly to certain Communist policies, they felt the good ends justified the means of collaboration at that time.

Mr. SCHERER. I believe you said, Professor, that the group, party, at that time apposed anti-Semitism?

Mr. DAVIS. Yes.

Mr. SCHERER. Today, of course, you know it is as anti-Semitic as the Nazi Party?

Mr. DAVIS. Yes. That's why I was particularly interested in the position of Louis Harap.

Mr. CLARDY. I don't follow you there.

Mr. DAVIS. Because, as editor of the magazine, whatever it may be called, Jewish Affairs, I believe, he is now defending the Prague trials, contending that they are not anti-Semitic.

Mr. CLARDY. Do you happen to have a copy of that available? I would like to see one.

Mr. DAVIS. No; I don't.

Mr. CLARDY. If you could obtain one and send it to me, I would appreciate it. We may have it in the files, but I would like to see a recent issue.

Mr. TAVENNER. Now, will you proceed, please, to describe the method by which you endeavored to control the selection of delegates to the district and national convention of the Teachers' Union?

Mr. DAVIS. One reason why Communists were successful was because in these organizations all service was voluntary. The teachers were very busy; trips were expensive, and very frequently those who offered to go were asked to go because no other persons were available, and if a member of the Communist Party offered to go his offer was usually accepted, if he offered to go to a national convention.



MR. TAVENNER. And were those offers made as a result of a decision by your Communist Party group that they should be made?

MR. DAVIS. Yes. Again, if persons were willing to go, even within the Communist group, there was not immediate pressure or orders which had to be carried out. That is, the members of this group still retained a great many of their liberal attitudes and were handled, on the whole, with kid gloves by the officials.

MR. TAVENNER. Did you attend a district or State or National convention of the Teachers' Union?

MR. DAVIS. I went to two national conventions.

MR. TAVENNER. Will you state whether or not Communist Party influences were brought to bear on the conventions that you attended?

MR. DAVIS. There was always a Communist Party caucus.

MR. MOULDER. What years—

MR. TAVENNER. Describe that—

MR. MOULDER. What years were those?

MR. DAVIS. These were in the academic years 1937-38 and 1938-39.

The convention I remember most clearly was at Buffalo, and it occurred just at the time of the pact in late August 1939.

MR. CLARDY. Witness, are you sufficiently acquainted with the facts as of today to tell us whether or not the same techniques are being followed today?

MR. DAVIS. Oh, I'm sure that can be taken for granted. The Communists always meet and consult together.

MR. CLARDY. And the things you've been describing as taking place in the thirties, in your judgment, are taking place today?

MR. DAVIS. Yes; except that the situation probably requires much more secrecy. These activities were comparatively open at that time.

MR. CLARDY. You think there is more of an underground now than there was at that time?

MR. DAVIS. Yes, and a much smaller one.

And I should like to interject at this point the fact that at the present time among teachers the influence of Communists is very slight because the times have changed and because the teachers have been so shocked by the events in the Soviet Union in the last 8 years; and among students at colleges like Smith any evidence of radical activity has disappeared entirely.

MR. CLARDY. Would you say the things you and others like you have been doing to combat the Communist influence may have had something to do with making it more difficult for the Communists to get along?

MR. DAVIS. A little, I hope; but mostly it is a matter of world events—the Korean war; the purge trials in the Soviet Union and the inhumanities practiced by Communist regimes. It's very hard for anyone to defend those today.

MR. TAVENNER. Would you also say that knowledge of the manner in which the Communist Party endeavors to exert influence over its own members and to effect their thinking, and particularly their views as to academic freedom, have awakened the teachers and students in a measure to the dangers of communism?

MR. DAVIS. Yes. I think those who entered the Communist Party for good reasons, for democratic and progressive reasons, discovered that the activities of the party were inconsistent with democracy and

progressivism and left; and I think those who left have had a much greater insight into the dangers of communism, both intellectually and politically, than they otherwise would have had. They've salvaged that at least from the experience.

Mr. CLARDY. You wouldn't say the job of cleansing the temple has been finished, though, would you?

Mr. DAVIS. No; but I am speaking now of general influence among teachers and students. The open influence is very slight now.

Mr. TAVENNER. I was——

Mr. VELDE. Mr. Davis, may I ask you: Do you feel a person who is a Communist, belongs to the Communist Party, adheres to the principles of the Communist Party, follows the Communist Party line, is a free agent, especially with reference to his teaching ability?

You mentioned something awhile ago about the control the Communist Party has over the thinking of teachers and American citizens, how it attempts to control the thinking of American teachers and citizens generally. I'm just wondering if you have any further comment to make on that particular phase.

Mr. DAVIS. So far as my own experience goes, there was no direct attempt to influence teaching. There was never in the unit to which I belonged any discussion of what we did in class. It was always an indirect influence through Marxist-Communist political education.

Mr. VELDE. I am referring to this: Do you think a Communist Party member can have a free and open mind, especially in teaching in a classroom, even though he was given no instruction by the Communist Party as to what he should teach?

Mr. DAVIS. It depends on his subject. I should think a teacher of music or mathematics might teach in a way that was quite unaffected by his political theories. In the political sciences, and even in the humanities, I doubt if this can be so; and I, myself, now feel that no one who is generally genuinely humane could be a defender of what goes on now in the Soviet Union and the Communist countries.

Mr. VELDE. Then, within the classroom it is possible, in your opinion, that a Communist can teach without instilling Communist philosophies in students, providing he taught the proper subjects. Now, how about his influences outside the classroom on our thinking?

Mr. DAVIS. There he's likely to have more influence. This often, too, will be indirect because of his influence on other faculty members, because of the talks he gives at public meetings. It's not been my experience that Communists, partly for reasons of security, try very generally to indoctrinate students specifically. I think the influence does tend to be an indirect one.

Mr. VELDE. Mr. Davis, you have mentioned, discussed this cell, Communist Party, in Harvard. I would like to state, for the benefit of the public press, that in the committee's opinion the fact that the testimony at this hearing involves a Communist cell at Harvard is no reason that inferences should be drawn that we are investigating Communist activities only at Harvard University or that these activities are any more serious at Harvard than at any other of our great universities.

Mr. KEARNEY. Professor Davis, a few days ago, in the newspapers, there was a hue and cry raised by certain educators throughout the country protesting against the investigation of communism and Communists in the universities and colleges of the country. In other words,

these individuals stated there was an interference with freedom of thought.

Do you believe that this committee should proceed in exposing communism and Communists in the colleges and universities of this country?

MR. DAVIS. I think in the present situation that the Government should explore and expose the ramifications of the Communist Party; but I think this has to be done with great caution by persons who are politically informed. I think that the testimony should be cautious testimony that would stand up in court. I think any loose charges, particularly a loose use of the word "Communist" or "Red" applied to teachers who are speaking their honest convictions about national or international affairs, can be extremely harmful. I think it's entirely a question, therefore, of the manner in which this is done, the scrupulousness.

MR. KEARNEY. With that I heartily agree with you, but at the same time do you see any objection to the investigation of Communists and communism in labor unions, in other phases of our national life, to the exclusion of universities and colleges?

MR. DAVIS. No. I do feel it necessary to have all possible information about the activities of the Communist Party itself for security reasons.

MR. CLARDY. Could you put it this way: If we treat the other witnesses as you have been treated thus far, would you not say we are conducting it fairly and as you would like it?

MR. DAVIS. So far, yes.

MR. SCHERER. Do you feel that your experience today here has interfered in any way with your academic freedom or the academic freedom of any professor at Smith College?

MR. DAVIS. That I will learn in the weeks to come.

MR. DOYLE. May I ask this right along that line: Have you been subpoenaed to come before this committee?

MR. DAVIS. Yes.

MR. DOYLE. And you came as a result of being subpoenaed?

MR. DAVIS. Yes.

MR. VELDE. Proceed, Mr. Doyle.

MR. DOYLE. Would you have felt it your duty to in any way contact this committee or any other governmental agency or department and reveal anything which you have today revealed if you hadn't been subpoenaed?

MR. DAVIS. I did not do so because I had reason to suppose that the facts were available to the necessary—to the Government agencies.

MR. DOYLE. You mean the facts as regards you, yourself?

MR. DAVIS. Yes.

MR. DOYLE. Having been a member back in 1937-38?

MR. DAVIS. Yes.

MR. DOYLE. Along the line of the cell at Harvard, am I in error that that cell, so far as you know, no longer exists; does it?

MR. DAVIS. I have no direct knowledge of it; no.

MR. DOYLE. And you have had no direct knowledge of it since approximately what year?

MR. DAVIS. Nineteen—the fall of 1939.

MR. TAVENNER. An investigator of this committee came to see you before any subpoena had been issued?

Mr. DAVIS. At the same——

Mr. TAVENNER. Isn't that true?

Mr. DAVIS. At the time of the issuing of the subpoena. It was not presented until after he talked to me.

Mr. TAVENNER. So that the information you have given the committee was given actually before any subpoena was served on you?

Mr. DAVIS. Yes.

Mr. TAVENNER. Or at least some information relating to the general problem?

Mr. DAVIS. Yes.

Mr. TAVENNER. You indicated that the members of your group at the time you were a member of the Communist Party did not make an effort to recruit students into the Communist Party?

Mr. DAVIS. No; definitely not.

Mr. TAVENNER. Well, was the emphasis of recruitment made in any other field?

Mr. DAVIS. Yes; the effort was to recruit faculty members.

Mr. TAVENNER. Why was it the decision was made to attempt to expand the Communist Party within the faculty instead of branching out also and including students?

Mr. DAVIS. I think——

Mr. TAVENNER. Was there a reason?

Mr. DAVIS. I think there were a variety of reasons, but the first one is that it would have been much too risky as students join something and leave it and they talk freely and it would have led to the exposure of the individual members.

But I also think, as I say, that the group at Harvard were at heart democrats, liberals, progressives. I think they disliked using any pressure they might have on individual students, even though this seems inconsistent with their policy and position as Communists.

In any case, though, members of the group spoke as individuals before general student meetings and rallies. There was a very minimum of direct personal contact.

Mr. TAVENNER. Was it common knowledge at Harvard that a Communist Party cell existed among the faculty members?

Mr. DAVIS. Yes, among liberals close to those who were party members.

Mr. TAVENNER. Well, that fact in itself would have been an inducement to members of the student body to unite in some group of their own, such as the Young Communist League, would it not?

Mr. DAVIS. It might be an influencing factor, but there were so many other factors in that time. The students were even more politically conscious than the instructors, and there were all sorts of organizations for them which were directed from above, quite independently of this group, so that even if the group hadn't existed I think student organizations would have taken very much the same character.

Mr. TAVENNER. Do you know whether or not there were student organizations of the Communist Party?

Mr. DAVIS. This was almost certainly, although I had no direct contact with it, the Young Communist League. It may have had a different name, although that was what it was.

Mr. TAVENNER. Did you have any information as to the numbers that were of that group?

Mr. DAVIS. I would have the impression there the membership was quite small, though it exerted a larger influence than the number would indicate.

Mr. TAVENNER. Were there other groups members of the Communist cell within the faculty?

Mr. DAVIS. I have no certain knowledge of that. I have no reason to suppose there were.

Mr. CLARDY. Counsel, may I interrupt?

You say they would exert influence far greater than their numbers would seem to indicate possible. What do you mean by that?

Mr. DAVIS. I mean among the students the same thing would happen in student organizations that happened to us in the Teachers' Union—that is, a small group whose policies were in general accordance with the left-wing and progressive movements at that time could assume a position of leadership, and they were often very intelligent and well-informed students.

Mr. TAVENNER. I would like to return now to the action that was taken at the national conventions of the Teachers' Union.

I understand you to say that caucuses were held at both of the conventions that you attended and that those caucuses were made up of Communist Party members.

Mr. DAVIS. I can't remember attending a caucus at the first one I went to. I think they may have slipped up or my name wasn't known, or something. I can't remember going to any of the first, but I do remember the second.

Mr. TAVENNER. Well, tell us all you know about that, please.

Mr. DAVIS. These were fairly large, as I remember, and would discuss what was occurring at the convention and what was needed to shift opinion or to get someone elected. It operated very much as the unit at Harvard operated within the local Teachers' Union; and at that time they were rather careless so far as publicity was concerned—people at the convention—in the sense that this was going on, I believe.

Mr. TAVENNER. How many composed that caucus meeting?

Mr. DAVIS. It was quite large, and even that may have been selective.

Mr. TAVENNER. Can you give the committee any reasonable idea as to the number?

Mr. DAVIS. No; I would—I really can't.

Mr. WALTER. Where were they held? You testified one was held in Buffalo. Where was the other convention?

Mr. DAVIS. In a place in Ohio, on a lake. I don't remember it now.

Mr. TAVENNER. How many of your associates from Harvard attended that convention with you?

Mr. DAVIS. The second one?

Mr. TAVENNER. Yes.

Mr. DAVIS. I remember only one other person.

Mr. TAVENNER. What was his name?

Mr. DAVIS. Let me preface the naming of names by expressing my extreme concern over the necessity of naming names—not because I don't agree with what I said earlier about the necessity of studying the ramifications of the Communist Party, but because these events occurred from 12 to 15 years ago. I knew many teachers in many different connections, professional and personal,

and I have moments of doubt even among—about those whom I assumed I knew best in these connections.

But do you still wish me——

Mr. TAVENNER. Well, now, let me say this: I do not want you to state in open session the name of any person as to whom you are not sure or as to whom you are in doubt as to membership.

Mr. VELDE. You are referring to membership in the Communist Party, aren't you, Mr. Counsel?

Mr. TAVENNER. Yes, and that was my question.

Mr. DAVIS. Yes.

Mr. TAVENNER. As to who it was that attended this Teachers' Union convention with you who was a member of the Communist Party with you at Harvard.

Mr. DAVIS. Yes. That is why I hesitated.

Mr. TAVENNER. And if you are in doubt as to the name, I do not want you to state it in public session.

Mr. DAVIS. I would prefer not to, then.

Mr. CLARDY. Well, let me say this: As a new member of the committee, I join in what has been said and I want you to thoroughly understand that we do not want you, as individual members to give us any wild rumors or guesses. We want you to speak only of your knowledge.

Mr. DAVIS. Yes.

Mr. JACKSON. May I ask a question at this point, Mr. Chairman?

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. Is the doubt in your mind, Professor, as to whether or not this individual was a member of the Communist Party?

Mr. DAVIS. No; in this case it's a doubt whether the person I'm thinking of is the one who actually attended the convention.

Mr. VELDE. But I take it you are certain that this person you are thinking of, who attended the convention, was a member of the Communist Party; is that right?

Mr. DAVIS. No; I am not certain about the person who attended the convention with me—the second convention. That is what I am uncertain about.

Mr. VELDE. But you remember him as a member of the Communist Party?

Mr. DAVIS. One of the persons I have in mind was a member of the Communist Party; yes, but I am not certain he is the one who went to the convention.

Mr. VELDE. Well, will you state, then, for the benefit of the committee the name of that person and how you know he was a member of the Communist Party without reference to the convention?

Mr. DOYLE. Now, may I ask this, please, at that point?

Mr. VELDE. Well, just a minute. Will you let the witness answer my question?

Mr. DOYLE. No; I want to interpolate right here before the witness answers that question, if I may, please.

Mr. VELDE. All right, proceed.

Mr. DOYLE. I want to compliment the witness on being extremely careful. I want to compliment our counsel on the statement he made, interpreting to the witness the kind of evidence we want, and I wish to go on record now, as I have often, that I, as a member of the committee, want to state to the witness if there is any reasonable doubt

in your mind as to whether or not this person or any person about whom you are testifying now or do before you are through with your testimony is a Communist, in line with the question you are asked, I would say as a member of the committee I don't want you to give the name of a person unless you are dead sure that person was a member of the Communist Party.

Mr. VELDE. I would like to concur here in the statement, as far as that is concerned, Mr. Doyle, and further state should any person be mentioned in public hearing and that person feels that he would like to come forward and talk to the committee counsel and committee investigator with reference to the testimony about him, or would like to come forward in opposition and refute that testimony, he is certainly welcome to do so by applying to our counsel or one of our investigators.

Mr. TAVENNER. Now, Mr.—

Mr. VELDE. I think I have the question that hasn't been answered yet.

Will the reporter restate the question?

Mr. TAVENNER. Mr. Chairman, I had planned before the testimony is completed to give him an opportunity to state who were associated with him in this work, and the circumstances, and I don't know whether it can be done very well by just asking him one particular name at a time.

Mr. VELDE. All right; I will withdraw the question, and we will proceed.

Continue, Mr. Counsel.

Mr. TAVENNER. Now, will you proceed to describe for the committee the action that was taken in the caucus that you referred to and just how the caucus was managed?

Mr. DAVIS. That caucus, as I say, discussed policies and events at the convention itself.

I remember more clearly a caucus which I attended in New York during the academic year and not at a time of convention. This was a caucus of representatives from different parts of the country. It was addressed by Jack Stachel, an official of the—

Mr. TAVENNER. Now, was this meeting you referred to in New York a Communist Party meeting or was it a caucus of a group within the Teachers' Union?

Mr. DAVIS. It was a caucus of the group within the Teachers' Union.

Mr. VELDE. Mr. Counsel, if you have a convenient breaking-off point, the committee would like to recess.

Mr. TAVENNER. May I finish this one point?

Mr. VELDE. Yes, sir.

Mr. TAVENNER. You say Jack Stachel spoke to the group of teachers of the Teachers' Union?

Mr. DAVIS. Yes.

Mr. TAVENNER. What was Jack Stachel's position in the Communist Party?

Mr. DAVIS. He was a high official of some kind.

Mr. TAVENNER. He is one of those who was convicted in the first trial of the Communists in New York—

Mr. DAVIS. Yes; under—

Mr. TAVENNER. Under the Smith Act, was it not?

Mr. DAVIS. Yes.

Mr. VELDE. The committee will be in recess until 2 o'clock.

(Thereupon, at 11:52 a. m., the hearing was recessed, to reconvene at 2 p. m. the same day.)

#### AFTERNOON SESSION

(At the hour of 2:03 p. m. of the same day the proceedings were resumed, the following committee members being present: Representatives Harold H. Velde, Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Francis E. Walter, Morgan M. Moulder (appearance noted in hearing), Clyde Doyle, and James B. Frazier, Jr. (appearance noted in hearing).)

Mr. VELDE. The committee will be in order.

Proceed, Mr. Tavenner.

Mr. TAVENNER. All right.

Mr. Davis, be seated, please.

Professor Davis, in your testimony this morning you set forth the activities of the members of your cell in three categories. One was the aid and assistance that you as Communist Party members should give in infiltrating and aiding Communist front-organizations—

Mr. DAVIS. Or professional organizations.

Mr. TAVENNER. Or professional organizations; and second, Marxist study groups that you participated in; and, third, was fund-raising campaigns for the benefit of organizations in which the Communist Party was interested.

I am just reminded sometimes you nod your head in approval rather than to specifically answer, and the reporter—

Mr. DAVIS. I see.

Mr. TAVENNER. Can't put down the nodding of the head.

Mr. DAVIS. This summary seems to be correct.

Mr. TAVENNER. Yes.

When we concluded the morning session, you were about to tell us of a caucus meeting that occurred in New York City which was addressed by Jack Stachel. Now, will you inform us fully about that meeting, what it was, its purposes and any other information you can give us about it.

Mr. DAVIS. It was to determine the policies of the Communist leaders within the A. F. of T.

Mr. CLARDY. Within what?

Mr. DAVIS. Within the American Federation of Teachers.

At that time—

Mr. TAVENNER. Excuse me. Will you state that over, please?

Mr. DAVIS. It was called to determine the policies of the Communists who were in positions of leadership within the American Federation of Teachers.

(Representatives Morgan M. Moulder and James B. Frazier, Jr., entered the hearing room at this point.)

Mr. TAVENNER. In ascertaining who were those leaders—

Mr. DAVIS. I don't think I can—

Mr. TAVENNER. What was the purpose in attempting to ascertain the names of the leaders in that organization?

Mr. DAVIS. Oh, no; these were Communists who were in position of leadership, and they were called by the party to the meeting in New York to determine future policy—

Mr. TAVENNER. Oh, I—

Mr. DAVIS. Of the American Federation of Teachers.



Mr. TAVENNER. I'm sorry—I misunderstood you.

Mr. CLARDY. They wanted to resolve a course of action?

Mr. DAVIS. Yes; and this course of action was outlined by Stachey.

Mr. TAVENNER. Over what area were these people selected who attended that meeting?

Mr. DAVIS. From a quite wide area—from New England, the Middle Atlantic States, and I think there were some representatives from the West, the Middle West at least.

Mr. TAVENNER. Now, to be certain, I understand that this was a meeting of Communist Party members——

Mr. DAVIS. I understood it to be; yes.

Mr. TAVENNER. And it was a meeting of Communist Party persons who were also members of the Teachers' Union——

Mr. DAVIS. Yes.

Mr. TAVENNER. Is that correct?

Mr. DAVIS. Of the national federation.

Mr. TAVENNER. Of the National Federation of Teachers?

Mr. DAVIS. Teachers.

Mr. TAVENNER. Was a person by the name of Hulda McGarvey present at that meeting?

Mr. DAVIS. No.

Mr. TAVENNER. Were you acquainted with Hulda McGarvey?

Mr. DAVIS. Yes; I had met her at Smith at the time she was teaching there, and I met her at caucuses of the New England representatives meeting in Boston.

Mr. TAVENNER. Now, when you say "caucus"—caucus of what?

Mr. DAVIS. Of Communist Party members within the State Federation of Teachers.

Mr. TAVENNER. And you met with her as a member of that caucus?

Mr. DAVIS. Yes.

Mr. TAVENNER. When was that?

Mr. DAVIS. I can only fix it within the years of my party membership. I can't fix the exact date.

Mr. TAVENNER. Did I understand you to state she was employed in some capacity at Smith?

Mr. DAVIS. At that time.

Mr. TAVENNER. How long was she employed at Smith College?

Mr. DAVIS. I don't know because she had left when I went there myself to teach.

Mr. TAVENNER. Oh, she was not there when you were there as a teacher?

Mr. DAVIS. No.

Mr. TAVENNER. Do you know whether she held any position in the Teachers' Union?

Mr. DAVIS. She represented in some capacity the local at Smith.

Mr. TAVENNER. Does that local still exist at Smith College?

Mr. DAVIS. No; I think it went out of business about 2 years ago.

Mr. TAVENNER. Do you recall whether Doxie Wilkerson was present at that caucus in New York?

Mr. DAVIS. No; he was——

Mr. TAVENNER. What position did he have in the union?

Mr. DAVIS. He was one——

Mr. TAVENNER. Teachers' Union?

Mr. DAVIS. He was one of the national board of American Federation of Teachers.

Mr. TAVENNER. Do you recall whether or not he was also a functionary of the Communist Party?

Mr. DAVIS. Not at the time in any open way, but I assumed from his presence there that he was a member.

Mr. TAVENNER. Was Samuel Sillen at that meeting?

Mr. DAVIS. Not at the caucus in New York, but I met him at the Communist caucus at one of the two meetings of the American Federation of Teachers I attended, and presumably the second because, as I said this morning, I don't remember going to a caucus of the first.

Mr. CLARDY. Counsel, what is that name?

Mr. TAVENNER. Sillen—S-i-l-l-e-n.

Mr. CLARDY. His first name?

Mr. TAVENNER. Sam—Samuel Sillen.

What was his position at that time; do you know?

Mr. DAVIS. No; he was either teaching or had been teaching somewhere in the New York area.

Mr. TAVENNER. Do you know whether or not he held an official position in the Teachers' Union at that time?

Mr. DAVIS. That, I do not remember.

Mr. TAVENNER. Do you know whether he held any position within the Communist Party at that time?

Mr. DAVIS. No; I know only he was a delegate to the convention; that he also was a Communist.

Mr. TAVENNER. Do you know whether he is the same person as Samuel Sillen who was or is affiliated with the Daily Worker at this time?

Mr. DAVIS. I know him through the magazine Masses and Mainstream, of which he is an editor.

Mr. VELDE. Is he an editor of Masses and Mainstream at present time, Mr. Davis?

Mr. DAVIS. I think so; yes.

Mr. TAVENNER. Now, can you recall the names of any other functionaries of the Communist Party or members of the Communist Party who were present at that caucus which was addressed by Jack Stachel—

Mr. DAVIS. Charles—

Mr. TAVENNER. In New York?

Mr. DAVIS. Charles Hendley—H-e-n-d-l-e-y—was present. He was at that time head of the New York local of the American Federation of Teachers.

Mr. TAVENNER. Do you recall what position he held at that time in the teaching profession?

Mr. DAVIS. No; I don't. I assume he was a teacher in the New York public schools, but I am not certain.

Mr. TAVENNER. Will you give us the names of others?

Mr. DAVIS. I think Bella Dodd was present on that occasion.

Mr. TAVENNER. Was Bella Dodd at that time one of the officers of the Teachers' Union?

Mr. DAVIS. Yes; I think she was a legislative representative but that may have occurred later.

Mr. TAVENNER. Did she later become a member of the National Committee of the Communist Party?

Mr. DAVIS. I believe so.

Mr. TAVENNER. And she has now withdrawn from the Communist Party?

Mr. DAVIS. Yes.

Mr. TAVENNER. And is very much opposed to it?

Mr. DAVIS. Yes.

Mr. TAVENNER. And is active in her opposition to it?

Mr. DAVIS. Yes; she has testified in New York.

Mr. TAVENNER. Was Katherine Lumpkin present at the meeting in New York?

Mr. DAVIS. No. I met her at the—well, I have known her in many connections but she was present at the second convention I attended, I'm pretty sure at the time of the Russian-German pact, that is, the meeting of late August 1939.

Mr. TAVENNER. Now, what meeting was that to which you refer?

Mr. DAVIS. That was the convention of the national federation in Buffalo.

Mr. TAVENNER. Did she hold any official position in the Teachers' Union?

Mr. DAVIS. She was a delegate and has at times since then been secretary of the Smith College local.

Mr. TAVENNER. Well, was she on the faculty of Smith College at that time?

Mr. DAVIS. I don't know if she's ever been on the faculty; no. She has been a teacher in the past and, therefore, had a right to belong to the union, but she was not formally connected with Smith College.

Mr. TAVENNER. She had never been employed at any time by Smith College, to your knowledge?

Mr. DAVIS. Not to my knowledge; no.

Mr. CLARDY. What was her first name, Counsel?

Mr. TAVENNER. Katherine.

Mr. DAVIS. Katherine.

Mr. TAVENNER. The spelling is K-a-t-h-e-r-i-n-e, I believe.

Mr. DAVIS. Yes.

Mr. TAVENNER. Did she reside in that community, Northampton, though not attached in any way to the school?

Mr. DAVIS. Did she resign, you said?

Mr. TAVENNER. Reside.

Mr. DAVIS. Yes; she resided in Northampton.

Mr. TAVENNER. Were you acquainted with Dorothy W. Douglas?

Mr. DAVIS. Yes.

Mr. TAVENNER. What was the nature of your acquaintanceship with her?

Mr. DAVIS. I've known her as a teacher at Smith, but I also knew her in the American Federation of Teachers before I came to Smith, and I knew her as a Communist in that federation, both through contact in caucuses in Massachusetts and also at the national convention.

Mr. TAVENNER. Is she still affiliated with Smith College?

Mr. DAVIS. No; she left, I think, 2½ years ago.

Mr. CLARDY. Where is she now?

Mr. DAVIS. She is residing, I believe, in Bryn Mawr, but is not connected with the college so far as I know.

Mr. TAVENNER. Was she in attendance at the caucus held in New York City which was addressed by Jack Stachel?

Mr. DAVIS. No.

Mr. TAVENNER. Well, now, can you recall the names of any other persons who attended the caucus in New York City which was addressed by Jack Stachel?

Mr. DAVIS. Not with the complete confidence we discussed this morning; no.

Mr. TAVENNER. Will you advise the committee more fully as to the action that was taken at that caucus meeting?

Mr. DAVIS. At that time, as I recall it, Stachel was in a conciliatory mood because of the requirements of the united front policy and wanted the Communist members to accept the leadership of the so-called Chicago group.

Mr. CLARDY. The what?

Mr. DAVIS. Of the Chicago group.

The Chicago local was at that time considered to be far more conservative politically than the New York tendency and, for political reasons, to preserve the union of the federation, the members at that caucus were instructed not to fight the Chicago local, to permit it to carry out some, at least, of its policies.

That's the best of my recollection after all these years.

Mr. TAVENNER. Did you acquire information at that time as to what percentage of the membership of the Teachers' Union were members of the Communist Party?

Mr. DAVIS. No. This was a very selective caucus.

Mr. CLARDY. How many were present altogether?

Mr. DAVIS. I should say about 20, but we weren't introduced to each other and, so, I can name only those whom I recognized from attendance at the conventions.

Mr. TAVENNER. Now, let us return to the second of the national conventions which you attended and at which you said there was a caucus of the Communist Party members. Will you advise the committee what the result of the caucus was that was had?

Mr. DAVIS. No; I'm sorry to say I cannot because it was a matter of very complex union affairs and after this period of time I simply can't reconstruct it in any meaningful way. It was not a matter of broad national policy, but of factional controversies within the union.

Mr. TAVENNER. Well, will you give us, please, the names of persons who attended that caucus and whose names you have not already given us?

Mr. DAVIS. No; I don't remember any others.

Again, we were not introduced to them, you see. They preserved the secrecy of names as much as possible.

Mr. TAVENNER. You referred to your local at Harvard being a member of the district?

Mr. DAVIS. Yes.

Mr. TAVENNER. How many schools were represented in that district organization?

Mr. DAVIS. Well, both the colleges and the public schools were included. A very large number were because there were public school locals in at least 8 or 10 of the local schools in Massachusetts. The college representation was much smaller, but I suppose at least 6 col-

leges were represented—not by Communist Party members; I'm speaking now of the Teachers' Union itself and the Massachusetts Federation of Teachers.

Mr. TAVENNER. Well, what were the names of the colleges who were affiliated with or a part of that district?

Mr. DAVIS. Smith was; Simmons College; I think there probably was a Wellesley local. I can't be sure. I think Tufts at times may have had representation. Amherst, I think, may have.

Mr. MOULDER. I think we should make the record clear they weren't representing those schools there at that meeting, were they?

Mr. DAVIS. No; I am not speaking now of Communists, but simply of the locals, college locals who were affiliated with the National Federation of Teachers.

Mr. CLARDY. Did each of them, however, have a Communist cell within their representation?

Mr. DAVIS. Not so far as I know. Smith is the only one I can recall that did have.

Mr. TAVENNER. Did you attend any caucus meetings at that district—

Mr. DAVIS. Of —

Mr. TAVENNER. Convention?

Mr. DAVIS. Of Massachusetts?

Mr. TAVENNER. Yes.

Mr. DAVIS. Yes; I think I must have attended at least one. That is why I remember the presence of Dorothy Douglas and Hulda McGarvey.

Mr. TAVENNER. Was the same procedure used in the district conventions as in the national of having a caucus of Communist Party members?

Mr. DAVIS. Yes. That met fairly infrequently because the State organization was less important than either the locals or the national. It was simply an in-between link.

Mr. TAVENNER. Can you recall the names of any Communists who met in a Communist caucus attended by you at a district convention which you have not already given us?

Mr. DAVIS. No; I can't, and I attempted to recall, but none come to me.

Mr. TAVENNER. What was your last connection with the Teachers' Union as a members of the Communist Party?

Mr. DAVIS. It continued as long as my membership in the party continued. That is, I was a Communist, Communist Party member, within the union and that status changed, of course, when I stopped being a member of the Communist Party; but I remained active in the union and found myself in opposition to my former comrades.

Mr. TAVENNER. Did you make known in any special way the fact that you had withdrawn from the Communist Party to those that you had been formerly associated with in the Communist Party?

Mr. DAVIS. Oh, they knew it, of course, instantly.

Mr. TAVENNER. Now, your activity and that of the other members of the Communist Party in promotion of the interest of the Communist Party within the Teachers' Union was only one of the various activities, I understand—

Mr. DAVIS. Yes.

Mr. TAVENNER. In which members of your cell or group engaged?

Mr. DAVIS. Yes.

Mr. TAVENNER. I believe you stated that another function of your party, of your group, was to join American League for Peace and Democracy?

Mr. DAVIS. Yes; politically, in the struggle against war and fascism, that was the major popular front.

Mr. TAVENNER. Now, will you tell the committee what led up to the work of the Communist Party within that organization, as you understood it?

Mr. DAVIS. This organization had existed in various forms since at least 1933, and I think—

Mr. TAVENNER. It was formerly the American League Against War—

Mr. DAVIS. War and Fascism.

Mr. TAVENNER. And Fascism.

Mr. DAVIS. It grew out of an international conference, I think, in Brussels around 1933, a peace conference, and continued on an international scale from that time on and through that whole period I think it was a direct instrument of the Communist Party—one of its most important fronts.

Mr. TAVENNER. The American League for Peace and Democracy was cited for subversion and having Communists by Attorney General Tom Clark on June 1, 1948, in this language:

Established in the United States in 1937 as successor to the American League Against War and Fascism in an effort to create public sentiment on behalf of a foreign policy adapted to the interests of the Soviet Union.

The American League for Peace and Democracy was designed to conceal Communist control in accordance with the new tactics of the Communist Internationale.

Is that citation in accordance with the facts as you understood them and believed them to be?

Mr. DAVIS. Yes; it seems entirely correct, except I would add, as I did this morning, to many in the late thirties the policy of the Soviet Union seemed consistent with American interests so far as the struggle against fascism and Hitler was concerned.

Mr. TAVENNER. Now, what was the overall policy of that organization as you were connected with it?

Mr. DAVIS. It was to a large extent a neighborhood organization and was intended to draw in people who were not primarily intellectuals, to educate them, to get them to take, as citizens, the political line which the Communist Party desired to see followed. It was not a tightly organized society.

Mr. TAVENNER. And that political line was to oppose Hitler?

Mr. DAVIS. But it also included defense of the Soviet Union, as they say.

Mr. TAVENNER. And defense of the Soviet Union?

Mr. DAVIS. Yes.

Mr. TAVENNER. Now, did the policy of that organization change and even the character of the organization change?

Mr. DAVIS. After the pact?

Mr. TAVENNER. Yes.

Mr. DAVIS. It tried to continue but it collapsed. The position the Soviet Union was following in the fall of 1939 was so inconsistent with

the previously stated objectives of the league that I think the Communists abandoned it and started other organizations in its place, such as the Peace Mobilization, the Yanks Are Not Coming Committees, and so on.

Mr. TAVENNER. Well, the American Peace Mobilization organization really took up where the other organization, American League for Peace and Democracy, left off.

Mr. DAVIS. That's my impression; yes.

Mr. TAVENNER. And the change in the Communist Party line was that it was necessary when the pact had been signed between Soviet Russia and Germany to then criticize the United States for preparing for war and calling it a warmonger.

Mr. DAVIS. Yes; the war was declared to be an imperialist war.

(Representative Morgan M. Moulder left the hearing room at this point.)

Mr. TAVENNER. And that change took place almost as quickly as the signing of the pact, didn't it?

Mr. DAVIS. Yes; there was a week of confusion in which the Communist Party publications were uncertain as to what line to take, but after about a week they got the line which was completely inconsistent with what had gone before.

Mr. TAVENNER. Well, what effect did that have upon the professors at Harvard who were members of this Communist Party group?

Mr. DAVIS. It was extremely unsettling. I started to break at once, within that week, but then I wondered if there was any justification for this strategy. I thought possibly the Soviet Union, knowing that Hitler was going to war anyway, had tried to make a bargain that would save as much territory as possible from Hitlerism; and so I decided to wait, to give them the benefit of the doubt, but after I had waited about a month and a half, or 2 months, I knew I could not accept this and resigned.

Mr. TAVENNER. Well, during that period of time were you visited by functionaries of the Communist Party who endeavored to give the party line or the new party line to your group?

Mr. DAVIS. Indeed, yes; it was a period of intense activity, especially among professional groups because they realized how profound a shock this was to genuine anti-Fascists and they had to work desperately to hold the line to keep people from breaking. There were a succession of meetings—very long meetings.

Mr. TAVENNER. And, as you look back upon it now, was this just not another effort on the part of the Communist Party to dictate to its members how they should think—

Mr. DAVIS. Certainly.

Mr. TAVENNER. And act upon any given subject?

Mr. DAVIS. Certainly, except that in this country it had to take the form of persuasion, since they had no means physically of keeping a person from leaving the party. Therefore, they had to do it through argument and pressure of all kinds.

Mr. TAVENNER. But was opposition tolerated among those who remained in the party?

Mr. DAVIS. Not opposition; no. There was a period of discussion, as they called it, before the new line was formed; but, once the new line was formed, then criticism of it would lead to expulsion.

Mr. TAVENNER. So, if a person desired to remain a Communist he had to agree with the Communist Party line that was handed down to him?

Mr. DAVIS. Yes.

Mr. TAVENNER. Now, who were those who attempted to control the thought of you professors at Harvard on that subject?

Mr. DAVIS. They were the official leaders of the party in New England, and if I'm not mistaken Frankfeld was still there at that time—oh, yes; I am sure he was. He was the principal speaker.

Mr. TAVENNER. Now, were there any other organizations which you were directed or induced to become active in? I mean organizations which were not Communist organizations?

Mr. DAVIS. There was an association of scientific workers, I remember, but those who joined that were scientists and not the members of the group generally.

Mr. TAVENNER. Was it a union?

Mr. DAVIS. No; it was a more or less informal voluntary organization of scientific workers.

Mr. TAVENNER. What was the purpose in having the members of your group to infiltrate that group of scientists?

Mr. DAVIS. I don't know because I didn't take part in it, you see, since I wasn't a scientist; but I knew there was a good deal of interest in it on the part of some members of the group.

Mr. TAVENNER. Well, was it true that only those Communists who were scientists were asked to unite with that group?

Mr. DAVIS. So far as I remember; yes.

Mr. TAVENNER. Did you hear any discussions which would indicate the purpose of infiltrating this group of scientists?

Mr. DAVIS. No; I don't recall discussions. It would be pure inference on my part. Some of the members in Cambridge were also responsible for founding the magazine Science and Society which is a broad theoretical quarterly which has continued until the present time.

Mr. TAVENNER. Were you urged to become active in any other group or organization that you can now recall?

Mr. DAVIS. No; I don't remember any specific suggestions. Communists always worked principally in their professional or trade unions.

Mr. TAVENNER. Well, let us turn now, then, to the second division of the activities of your group, that is, the conduct of Marxist study groups. Will you tell us about that, please?

Mr. DAVIS. It was fairly easy to form them because at this time, again for the reasons I stated this morning, there was lively interest in Marxism; and though I think persons joining these groups had some idea that the instructors were close to the Communist Party they, nevertheless, were ready to discuss Marxism with them, and in some cases actually the persons whom the party secured were not actually party members but were intellectual social scientists who knew a good deal about Marxism and were willing to discuss it before a group.

Mr. TAVENNER. And what was the Communist Party purpose in establishing these Marxist groups?

Mr. DAVIS. They had a double purpose; first, to disseminate Marxism, which is one of their important principles always and every-



where; and also these were very—it was a very good way of recruiting members into the Communist Party because if members of these study groups seemed convinced of the truth in Marxism, then they were urged to join the party.

MR. TAVENNER. Do you recall any instances in which members of the faculty at Harvard were recruited to the Communist Party through the Marxist group studies?

MR. DAVIS. I can't recall the names because I don't remember now by what process the various parties came into the party, but I am sure it was effective in 2 or 3 cases at least.

MR. TAVENNER. Would you describe it as an effective means of recruiting persons into the Communist Party?

MR. DAVIS. Extremely effective among intellectuals, yes, because intellectuals ordinarily joined immediately at least for theoretic or intellectual reasons.

MR. TAVENNER. Were those study groups provided in any manner by functionaries of the Communist Party on a higher level?

MR. DAVIS. Not directly; no. They encouraged the formation of them, but they left this to the members of the teachers' group who were better able to persist it to other teachers.

MR. TAVENNER. Did these study groups include the issuance of Communist Party literature to the individuals and the requirements of study of particular documents and books in which the Communist Party was interested at the time?

MR. DAVIS. Yes, but primarily these were the classics, Marx' *Das Kapital*, the works of Engels, and so on.

MR. TAVENNER. The Communist Manifesto—

MR. DAVIS. Yes.

MR. TAVENNER. I assume was one. State and Revolution?

MR. DAVIS. Yes.

MR. TAVENNER. Left-Wing Communism?

MR. DAVIS. I don't know that they were—that they would deal with quite so a sectarian work with a broad group.

MR. TAVENNER. I believe you said *Das Kapital*—

MR. DAVIS. Yes.

MR. TAVENNER. Was one of the studies.

History of the Communist Party of the Soviet Union?

MR. DAVIS. No; that again was a little too immediately a party document and might alienate intellectuals.

We were, however, instructed to distribute that book as widely as possible.

MR. TAVENNER. But you thought it was a little dangerous or the group thought it was a little dangerous to do so until the person invited in had become well indoctrinated in Marxian theory?

MR. DAVIS. Yes; that is right.

MR. TAVENNER. Generally.

Did you read and study any of the works of Foster?

MR. DAVIS. Foster?

MR. TAVENNER. Yes, the head of the Communist Party of the United States.

MR. DAVIS. Not systematically, but members, themselves, were expected to keep up with all the relevant party literature and it was very often brought to meetings for the use of members.

Mr. TAVENNER. I want to read you a paragraph from *Towards Soviet America* by William Z. Foster, printed in 1932, relating to the subject of education. I quote as follows:

Among the elementary measures the American Soviet government will adopt to further the culture revolution are the following:

The schools, colleges, and universities will be coordinated and grouped under the National Department of Education and its State and local branches.

The studies will be revolutionized, being cleansed of religious, patriotic, and other features of the bourgeois ideology.

The students will be taught on the basis of Marxian dialectical materialism, internationalism, and the general ethics of the new Socialist society.

Present obsolete methods of teaching will be superseded by a scientific pedagogy.

Religious schools will be abolished.

Do you recall having read or having that passage brought to your attention while you were a member of the Communist Party?

Mr. DAVIS. No. This is the pattern, however, that had been followed in Communist countries and one could assume now, and assume then, it would be followed if a Communist government came into power in the United States; but the Communist line had shifted somewhat in the later 1930's—that was the period when Browder's slogan "Communism Is 20th Century Americanism" was being used—and again the Communists were reluctant to offend those they might bring into the broad united front and they used a somewhat subtler approach.

Mr. TAVENNER. The Communist Party, as such, however, was extremely interested in the teaching profession; was it not?

Mr. DAVIS. Certainly.

Mr. CLARDY. Still is; isn't it?

Mr. DAVIS. I would guess so.

Mr. TAVENNER. And let me read you an excerpt from the *Communist* of May 1937, entitled, "The Schools and the People's Front," by Richard Frank. Richard Frank was a member of the Education Commission of the Young Communist League. He had this to say:

The task of the Communist Party must be, first and foremost, to arouse the teachers to class consciousness and to organize them into the American Federation of Teachers, which is the main current of the American labor movement.

In the effort to organize the teachers, every care must be taken to bring together in united front actions all existing teacher organizations. Especial attention must be paid to secure such action with the American Association of University Professors, the National Educational Association, and the Guild. Our party members in these organizations must work actively toward this end.

Well, did your experience in the Communist Party at that time indicate to you that the Communist Party members in those organizations were working—

Mr. DAVIS. Certainly.

Mr. TAVENNER. To that extent?

Mr. DAVIS. Certainly.

The AUP, as I remember, was not active at Harvard. The energies there were thrown entirely in the Teachers' Union, but what you just read was consistent with my experience of what occurred in the Teachers' Union.

Mr. TAVENNER. I continue to read:

Communist teachers cannot afford to ignore this fact: That they come in contact with the children of the masses; that they are responsible for training these children.

Communist teachers are, therefore, faced with a tremendous social responsibility. They must consider not merely their own teacher problems but the problems of the children. They must take advantage of their positions without exposing themselves to give their students, to the best of their ability, working-class education.

Now, it appears from that the Communist Party had for its objective the influencing of students without the student realizing or knowing that the teacher was, in fact, a Communist Party member.

Well, now, again the reporter is unable to get your answer.

MR. DAVIS. Oh, I see. Yes.

MR. TAVENNER. Again, from your experience while a member of the Communist Party for this short time, did you recognize that that was the purpose and the objective of the Communist Party?

MR. DAVIS. That was quite clear from the publications of the American Federation of Teachers or some articles in these publications intended for the teachers in the public schools.

As I said this morning, for a variety of reasons at Harvard there was never any direct attempt to influence the teaching in the classes.

MR. TAVENNER. Did any of your students at any time suggest to you that they had concluded that you were a member of the Communist Party?

MR. DAVIS. No; as I told the investigator, quite the contrary happened. The year when I was most active as a member of the Communist Party—and it was also a year in which the students were also conscious politically—a politically conscious student came up to me at the end of the year and said he had been trying to figure all year just what my position was, and I think all of us who were at Harvard, who were liberals, had a somewhat ambiguous attitude toward this. We did want to influence our equals intellectually, but we had a lurking feeling that it wasn't quite good sportsmanship to try to influence young people—at least to make use of our position in the classroom to do this.

It seems inconsistent, but I think the evidence of others in that same group will be of the same character.

MR. TAVENNER. Well, I am very glad to know you had that feeling about it, but how can you be certain that all had that feeling?

MR. DAVIS. Oh, I can't. I am speaking now only of the group of people in the unit at Harvard, most of whom broke with the Communist Party shortly afterward because at Harvard they were not indoctrinated Communists.

MR. TAVENNER. It is true, however, the opportunity for such influencing existed?

MR. DAVIS. It had.

MR. TAVENNER. And it is merely a matter as to whether the Communist Party took advantage of it?

MR. DAVIS. And I am quite sure in many places teachers did take advantage of it.

MR. CLARDY. Of course, you are speaking now only within the classroom; you are not talking about activities that may have been indulged in outside of that?

MR. DAVIS. Oh, no. The members of this group often addressed political meetings of students.

MR. CLARDY. There they did——

MR. DAVIS. Then they did.

Mr. CLARDY. Pardon me.

Mr. DAVIS. Go ahead.

Mr. CLARDY. They did address meetings outside the classroom to accomplish the party objective without any feeling they were running contrary to their conscience?

Mr. DAVIS. They did address political meetings, yes, and did take the Communist line in these meetings; and students attended these meetings and the prestige of the teacher there would undoubtedly have had an effect.

Mr. TAVENNER. Continuing to read from the article mentioned:

To enable the teachers in the party to do the latter—

And by "latter" is meant the teaching of the working class, the giving of a working-class education—

the party must take careful steps to see that all teacher comrades are given thorough education in the teachings of Marxism and Leninism.

Only when teachers have really mastered Marxism and Leninism will they be able skillfully to inject it into their teaching at the least risk of exposure and at the same time to conduct struggles around the schools in a truly Bolshevik manner.

Such teachers can also be used to advantage to conduct classes in Marxism, Leninism, for workers generally, and many such teachers should be assigned not to school units but to factory or industrial units where they can have great aid in party education in helping with leaflets, shock papers, and so forth. Others can play an important role in the educational activities of the Young Communist League.

Now, do you know, from your experience, whether any members of your group taught Marxist-Lenin classes in industry or in any group outside of the faculty at Harvard?

Mr. DAVIS. Yes; I think they certainly did go to lecture to groups in various outlying suburbs.

Mr. TAVENNER. What was the nature of those group meetings they attended? Were they regular Marxist classes?

Mr. DAVIS. In some cases, yes, corresponding to the classes that were run for teachers. Teachers would also be asked to go to places like Revere and Chelsea and speak to study groups.

Mr. TAVENNER. Now, can you be more definite as to the places at which some classes were conducted?

Mr. DAVIS. No; I can name only the towns. They are the industrial towns around Boston where there were Communists in the unions at that time, and the Communists in the unions would organize Marxist study groups just as the teachers did, and from time to time individual teachers would be asked to come and speak to those Marxist study groups.

Mr. TAVENNER. How were those invitations extended? Were you directed to go by a higher functionary of the party or was it just on invitation?

Mr. DAVIS. It was done—

Mr. TAVENNER. On the rank-and-file members?

Mr. DAVIS. In a more or less personal way, yes. Trade union organizers would meet teachers in various front organizations and would ask them to come and speak.

Mr. TAVENNER. I would like to read one more paragraph from this article:

In rural communities teachers who are among the few educated people are looked up to with tremendous respect. They are in a position to become com-

munity leaders. As a means of mobilizing the people in the villages and countryside, steps should be taken to try to send Communist teachers into rural communities where they should become active in all community organizations.

Did you have any experience with a matter of that kind?

Mr. DAVIS. No; my activities didn't extend that far.

Mr. TAVENNER. Now, will you advise the committee of any other matters relating to your study groups and your programs as conducted in your meetings which would throw any light upon the activities of your organization?

Mr. DAVIS. No; I don't think I can add anything significant.

A great deal of time was spent in going over the names of persons who might be sympathetic to the party and might be drawn closer to its activities.

Mr. TAVENNER. Now, do you recall that your group engaged in the preparation of any pamphlets for use by the Communist Party?

Mr. DAVIS. Yes, Granville Hicks and I collaborated on a pamphlet against anti-Semitism.

Mr. TAVENNER. Was Granville Hicks a member of your group?

Mr. DAVIS. For 1 year.

Mr. TAVENNER. Of the Communist Party?

Mr. DAVIS. For 1 year; yes.

Mr. TAVENNER. I should state, Mr. Chairman, that Mr. Granville Hicks has cooperated with the investigators of the committee and we are expecting his full cooperation and that, according to our investigation, he withdrew from the Communist Party at approximately the same time that the witness did and that he's been active in his opposition to the Communist Party ever since.

Mr. VELDE. I take it, from your testimony so far, Mr. Davis, that you also have been active against communism since your withdrawal?

Mr. DAVIS. Yes; I have some quotations from my published writings here if anyone wishes to see them.

Mr. TAVENNER. I am going to ask you about that in a few minutes.

Now, did you submit the material which you were proposing to use in pamphlet—that is, you and Mr. Granville Hicks—to any functionary of the Communist Party for review?

Mr. DAVIS. Yes; Phil Frankfeld went over it with great care and attention.

Mr. TAVENNER. Do you know whether Phil Frankfeld, himself, was capable of giving it the criticism that was given it or whether he, in turn, transmitted the material on to some higher functionary of the Communist Party, such as V. J. Jerome, who was about that time the cultural head of the Communist Party?

Mr. DAVIS. He may have but I don't think this was important enough from their point of view. His suggestions were largely political. I think he was a high enough functionary so that he would have been entrusted with that responsibility.

Mr. TAVENNER. Did you have a memorandum in relation to that matter?

Mr. DAVIS. Yes; I submitted—

Mr. TAVENNER. Which you submitted to the committee?

Mr. DAVIS. Yes.

Mr. TAVENNER. I hand you a document which I will ask be marked "Davis Exhibit 1" for identification only, and ask you whether or not that is the document to which you refer.

Mr. DAVIS. It is.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Davis Exhibit No. 1"

Mr. VELDE. Without any objection, it will be received.

(Said document was received in evidence as "Davis Exhibit No. 1.")

Mr. TAVENNER. Now, I desire, Mr. Chairman, to read this comment in evidence because it points out the approach of the Communist functionary not only to the particular subject under consideration, but to writings generally.

#### *Comment*

Excellent material; the historical material and quotations are well selected and introduced.

The conclusions are not sharply drawn. The argumentation remains somewhat suspended in the air.

There is completely defensive argumentation on the question of the Jews and communism. There must be a straightforward presentation of the right of Jews to be revolutionists. The argument of the pamphlet follows almost exactly that of the American Jewish Congress.

The point should be introduced about the support given by the rich Jews to Hitler in his first stages of development. The poor Jews supported the Communist Party. There is no sufficiently sharp line drawn between the rich Jews and the poor Jews. A good illustration of this point would be the Boston garment workers' strike of 1936 when the Jewish bosses called out the Irish cops to club Jewish and Italian workers indiscriminately.

More facts should be introduced about numbers of Jews on relief, and so forth.

There is very little appeal made to the Protestants; also, the section on the Catholics should be strengthened.

At the close, introduce the relationship of anti-Semitism and the American reaction today. Illustrate the use of anti-Semitism against even Roosevelt, against Lehman in the recent election campaign. Point out that the only answer of Jews to Coughlin must be to identify themselves more and more with the progressive camp, against reaction and Red-baiting, for the building of a strong peace movement, which is, itself, the struggle against fascism and anti-Semitism. Raise the question of the unity of the labor movement and building it, the support for social and labor legislation as the truest basis for democracy and the elimination of the basis for anti-Semitism.

Mr. JACKSON. Will counsel identify that again? Is this the critique by Frankfeld on the work you had done, Mr. Davis?

Mr. DAVIS. Yes; the rough draft of the pamphlet.

Mr. JACKSON. Were those suggested changes incorporated in final draft?

Mr. DAVIS. I believe so.

Mr. JACKSON. Thank you.

Mr. TAVENNER. Professor Davis, we have ascertained by a very definite evidence in the course of our hearings in Hollywood of the effort made by the Communist Party to put its members, who are writers, in a mental straitjacket in determining how they shall write and how they shall treat their subject. Did you have any experience with the Communist Party in writing other than this?

Mr. DAVIS. No; this is the only indication which I remember direct advice of this sort, because I think this is the only work I did under Communist Party control of this nature.

Mr. TAVENNER. Were you given to understand that your work had to be acceptable?

Mr. DAVIS. Yes.

Mr. TAVENNER. To the higher functionaries of the Communist Party?

Mr. DAVIS. But, of course, at that time we, ourselves, tried to make it conform to the line because we accepted the line.

Mr. TAVENNER. Now, let us go to the third and last division of the activities of your group—that of fund raising.

Now, will you tell the committee what the activities of your group were in that respect?

Mr. DAVIS. The party was extremely greedy for money. Not only did we pay quite large dues, but extra donations or assessments were constantly being made. All sorts of means were being used to raise money, by having parties, dances, lectures, and so on. This was a very large part of our activity.

Mr. TAVENNER. What were the dues that you paid?

Mr. DAVIS. As I recall correctly, they were 5 percent of one's salary.

Mr. TAVENNER. Why, they charged you more than they did the directors in Hollywood. It was only 4 percent there.

Mr. CLARDY. The directors' salaries were slightly larger than yours, weren't they?

Mr. DAVIS. Yes.

Mr. TAVENNER. Did all the members of your group pay 4 percent of their salary while members?

Mr. DAVIS. It may have been graduated according to the size of the salary. That I don't remember; but, in my own case, it seems to me 5 percent was the amount.

Mr. TAVENNER. Then, were special assessments made for particular projects of the Communist Party?

Mr. DAVIS. Constantly. It was always represented that the Daily Worker or some other magazine was in a state of emergency and that extra efforts must be made to obtain money.

Mr. TAVENNER. Well, who was the contact with your committee on matters of that kind?

Mr. DAVIS. Whoever was moving between us and the central office of the party—people like the ones I mentioned this morning, such as Hy Gordon or Margot Clark.

Mr. TAVENNER. How do you spell Clark?

Mr. DAVIS. C-l-a-r-k.

Then, also, we raised money for Spain, but a good deal of that, I suspect, went actually to the party, not to Spain.

Mr. TAVENNER. What reason do you have for stating that much of the funds raised for Spain or Spanish relief were used by the Communist Party for its own purposes?

Mr. DAVIS. I didn't know at that time. It was just as a result of subsequent revelations.

Mr. TAVENNER. Tell us a little more in detail about these special assessments for the benefit of the Daily Worker and other—

Mr. DAVIS. Sometimes—

Mr. TAVENNER. Communist Party enterprises.

Mr. DAVIS. Sometimes it was a definite assessment. That is, each member was expected to give the equivalent of his dues—I mean an additional amount the equivalent of his dues. Sometimes it was voluntary, just asking for money; sometimes members were instructed to approach sympathizers and ask them to give money—not to the party, but to some cause, like a magazine or Spanish relief.

Mr. TAVENNER. At an earlier point in your testimony you identified Bill Parry as a person who was known to you to be a member of the Communist Party. What was the basis of your knowledge?

Mr. DAVIS. Participation in unit meetings.

MR. TAVENNER. Was he a member of your individual group?

MR. DAVIS. Yes.

MR. TAVENNER. Were you acquainted with Jack Rackliffe—

MR. DAVIS. Yes.

MR. TAVENNER. R-a-c-k-l-i-f-f-e?

MR. DAVIS. Yes.

MR. TAVENNER. Was he a person known to you to be a member of the Communist Party?

MR. DAVIS. Yes.

MR. TAVENNER. On what do you base your information, your knowledge?

MR. DAVIS. Appearance at a large number of Communist unit meetings.

MR. DOYLE. Which meetings you also attended—

MR. DAVIS. Yes.

MR. DOYLE. With him?

MR. DAVIS. Yes.

MR. TAVENNER. Was that your own group or cell of the Communist Party which you previously identified?

MR. DAVIS. Yes.

MR. TAVENNER. Were you acquainted with a person by the name of John Henry Reynolds?

MR. DAVIS. Yes, and I recall that one of the emergency meetings I spoke of that occurred after the pact was held at his house.

MR. TAVENNER. And I should ask you at this time if you know of your own knowledge that any of these persons have since terminated their affiliations with the Communist Party, that you should state so.

MR. DAVIS. I surely will.

MR. TAVENNER. Up to this point, you have no knowledge?

MR. DAVIS. No, except in the case of Granville Hicks.

MR. TAVENNER. Yes.

Daniel J. Boorstin?

MR. DAVIS. He was a member, but I know he has broken long since.

MR. TAVENNER. And, Mr. Chairman, Dr. Boorstin, according to our investigation, did withdraw many years ago from the Communist Party and has cooperated and is cooperating with this committee in giving it the benefit of information he has and, like this witness, has been an outstanding opponent of communism since taking that action.

Richard Schlatter?

MR. DAVIS. Yes; he was also a member.

MR. TAVENNER. Of this same group?

MR. DAVIS. Yes.

MR. TAVENNER. And what I had to say about Mr. Boorstin stands equally for Richard Schlatter.

Were you acquainted with Richard Goodwin?

MR. DAVIS. Yes; he also was a member of the group of the Communist Party.

MR. TAVENNER. Do you have any information as to whether or not he has withdrawn from the Communist Party?

MR. DAVIS. I don't know directly, but all impressions I've gathered would lead me to suppose so.

MR. TAVENNER. Were you acquainted with a person by the name of George Mayberry?

MR. DAVIS. Yes; he was a member of the group.



Mr. TAVENNER. Of this same group?

Mr. DAVIS. Yes.

Mr. TAVENNER. Are you acquainted with Israel Halperin?

Mr. DAVIS. Yes.

Mr. TAVENNER. H-a-l-p-e-r-i-n—Halperin.

Mr. DAVIS. I am. Yes, I was. He was a member of the group.

Mr. TAVENNER. When did you first become acquainted with him?

Mr. DAVIS. I'm not sure. I don't think he was a member when I first joined. It must have been the next academic year.

Mr. TAVENNER. Was there anything outstanding or unusual about his contribution to the work of the Communist Party in your group, while you were a member?

Mr. DAVIS. No; I don't recall any. I remember him very well. I know he was interested in the foundation of the magazine of Science and Society, but was also very critical of the editors of it.

Mr. TAVENNER. Do you know where he is now?

Mr. DAVIS. I know of his subsequent history from the accounts of the Canadian spy investigations. I know he was involved in that case but not convicted.

Mr. TAVENNER. He is in Canada today now?

Mr. DAVIS. I assume so.

Mr. TAVENNER. Herbert Robbins?

Mr. DAVIS. He was a member the first year I belonged. He left Harvard the second year. I have every reason to believe, on the basis of a long conversation with him 3 years ago, that he broke perhaps before I did.

Mr. TAVENNER. Were you acquainted with Rubby Sherr—S-h-e-r-r?

Mr. DAVIS. Yes; he was a member of the group for a comparatively short time, but I think he was still a member when I left.

Mr. TAVENNER. Or Wendell Furry—F-u-r-r-y?

Mr. DAVIS. I knew him very well. He was a member of the group.

Mr. TAVENNER. Was he a member of the group when you left Harvard?

Mr. DAVIS. Yes—not when I left Harvard. I have no way of knowing when I left Harvard because I left Harvard 3 years after I left the party, nearly 4 years.

Mr. TAVENNER. Oh, yes, but was he a member of the party when you left the party?

Mr. DAVIS. Yes.

Mr. TAVENNER. Are you acquainted with the Henry Thoreau professional section of the Communist Party?

Mr. DAVIS. No; I never heard of that, to my knowledge.

Mr. TAVENNER. During the period of your experience in the Communist Party did you learn whether members of the Communist Party from England, who were in attendance at universities in this country, on any occasions would have their membership transferred to the Communist Party of the United States?

Mr. DAVIS. I recall a Henry fellow, I believe he was called—a Henry fellow—who came to our unit when he was doing graduate work at Harvard. I do not recall his name now.

Mr. TAVENNER. Do you know of any other occasions when students from England were transferred to membership in the Communist Party in the United States?

Mr. DAVIS. There may have been two of these Henry fellows, of that I can't speak certain, but that is the only connection I recall.

Mr. TAVENNER. Now, I asked you in the beginning of your testimony whether or not you had been active in your opposition to the Communist Party since you withdrew, as you have indicated. What in general has been the nature of your work against the Communist Party?

Mr. DAVIS. It's been partly organizational, but mostly literary. I resigned in protest from the League of American Writers early in 1940, because of their attitude toward Hitler and the war.

When I went to Smith, I joined the Teachers' Union and struggled against the group there, led by Dorothy Douglas and Katherine Lumpkin, but the union took an increasingly Wallacite position in the later forties, and I resigned from the union in protest in 1948. I was one of the 88 intellectuals who signed the statement published in the New York Times on March 24, 1949, calling attention to the true nature of the Waldorf Scientific and Cultural Conference.<sup>1</sup>

I have been from the beginning a member of the Committee for Cultural Freedom, headed by Sidney Hook, and have contributed to Partisan Review of the Commentary and the New Leader, all magazines which have for years fought Stalinism with informal intensity.

I have written for the New York Times regularly for the book review section over the past 10 years, and I have here quotations from articles which state my present devotion to democracy in unqualified terms.

I wrote for the magazine, Commentary, only a year ago, in May 1951, an article on Soviet psychiatry, showing the relationship between Soviet psychiatry and the destruction of the individual.

May I read three sentences from that?

Mr. TAVENNER. Yes, sir.

Mr. DAVIS. There is a review of a book by Dr. Wortis called Soviet Psychiatry, and I say:

But what Dr. Wortis's book emphatically demonstrates—if it needed demonstrating—is the iron logic behind communism's utter extinction of the individual self. This logic is orthodox in theory—it is explicit in Marx, Engels, and Lenin—and it has been appallingly proved and demonstrated in practice. The confessions of opponents of the regime at Communist trials show that by "immediate pressure of the environment—"

That is quote—

by torture, narcosis, hypnosis, and indoctrination in various combinations, the self's organic past can actually be negated, and that it can be made to "reflect" completely the party-partisan view of reality. Since those who do not come to reflect this reality are considered ultimate enemies of the people, there is no moral limit to the use which may be made of these psychological, physical, and medical means of extinguishing the self.

And then I say later on at the end of the article:

A genuine struggle against Russian antihumanism should require our putting as much effort as we possibly can into discovering what social and political grounds still exist—or can be made to exist—in our contemporary society for the survival of what David Riesman calls the autonomous individual.

And then I go on to develop that view.

<sup>1</sup> Scientific and Cultural Conference for World Peace, arranged by the National Council of the Arts, Sciences, and Professions, held at the Waldorf-Astoria Hotel in New York City, March 25, 26, and 27, 1949.

Mr. TAVENNER. When was that written?

Mr. DAVIS. That was written in May 1951, but I have citations of earlier articles along the same line.

Mr. TAVENNER. Mr. Chairman, I think that is all I desire to ask, unless the witness has something else to add that he may want to add—

Mr. DAVIS. No.

Mr. TAVENNER. To his testimony.

Mr. DAVIS. As I said this morning, I think such investigations are necessary, if they are carried out fairly and scrupulously. All I am afraid of is that so much energy, political energy, may be directed toward a preoccupation with the past, that we may not have enough left to find creative solutions for problems that face us in the future.

I think, for instance, that it's right to go back into the history of China and find out why that disaster occurred, and whether it occurred as the result of espionage of improper influence by Communists within the Government, but we want to be sure that this will help us to solve the problems of India and Africa, for instance.

It's not enough to discover what went wrong in China.

We've got to keep the same thing from happening in other parts of the world, and it is this danger with which I, myself, am preoccupied at the present time.

Mr. CLARDY. You mean we should profit from our past mistakes?

Mr. DAVIS. We've got to profit from our experience and not let India, Africa, and Europe go as China went.

Mr. VELDE. Mr. Davis, we certainly do appreciate your coming before the committee. Are those documents which you have there available to the committee for its files or references?

Mr. DAVIS. Yes.

Mr. VELDE. We will be glad to accept those into our files for study of our investigators and counsel whenever necessary.

Now we have another witness to appear this afternoon, but I think some of the members might want to ask you a few questions, Mr. Davis, and the Chair would very much appreciate it if the members of the committee would limit their examination of Mr. Davis so that we might hear the other witness.

Proceed with the questions you might have.

Mr. Jackson.

Mr. JACKSON. I shall try to make my questioning brief, Mr. Chairman.

Mr. Davis, I am not asking you to enter into the realm of opinion, but out of your own experience in the Communist Party during the period of time you were a member—to what extent would you say that one submits himself to the expressed or implied discipline of the Communist Party?

Mr. DAVIS. This is often, I believe, a motive for joining because those who join desire certainty. They want a line which will give them a sense of significant action. The Communists always have an answer to everything. The answers aren't always very good, but he does have an answer. This is part, unquestionably for many people—the part of the psychological satisfaction of being a Communist.

Mr. JACKSON. In the event of a mental conflict, having to do with some philosophical position, what resolution of the problem would be expected by the Communist Party?

Mr. DAVIS. The member has got to work through to an acceptance of the line.

Mr. JACKSON. That is definitely understood—

Mr. DAVIS. Yes.

Mr. JACKSON (continuing). By both the member and the Communist Party.

Do you believe, sir, that a member of the Communist Party today is equally subject to the type of discipline that we have been discussing?

Mr. DAVIS. Much more so because, it seems to me, what is going on in Communist countries now is so inconsistent with ordinary humanity or ordinary reason that a person must have to force himself to accept it; and I think in many cases it happens because a Communist Party member has given up his life for the party over a great many years. If he left the party, he would be nothing. So, he stays in, even though much that is going on is unacceptable to him as a normal man.

Mr. JACKSON. In light of that understood acceptance of the discipline, could a Communist teacher or professor today be an objective pedagogue?

Mr. DAVIS. As I said this morning, in certain areas he still could because people are capable of divided minds; but I don't think this could happen in the social sciences, and I think he would undoubtedly be influenced even in the humanities. In the sciences, this might not happen at all.

Mr. JACKSON. Would you say the keystone of education is the ability of a teacher or a professor to present his subject with absolute objectivity?

Mr. DAVIS. I don't think absolute objectivity is possible for anyone except a scientist. I think often a teacher is a better teacher because he does have convictions. His teaching is more interesting. The students have something to relate what they're learning to. It's a question again of degree, of the fairness of the teacher.

Mr. JACKSON. We have heard a great deal, Professor Davis, on the subject of "academic freedom." I am not quite certain that I, for one, understand actually what is meant by "academic freedom." Could it be summed up very briefly?

Mr. DAVIS. No; I should think it would be very difficult to try, but it is related to what I was just saying, that the interest of teaching depends partly on the freedom of play of ideas. The teacher himself and the student should be able to approach ideas from the different points of view within the classroom; but, also, the greatest teachers in the past, from the time I think of Plato and Aristotle, have been men with convictions, with a coherent body of beliefs which they presented to the students, and these are often different beliefs from those held by members of the same department, but in a large university a student going from class to class can absorb these structures of ideas, can play them off against each other, can come to his own opinions.

Mr. JACKSON. Have any questions been asked of you today, Professor Davis, which you would consider to be an infringement of academic freedom as distinguished from the charge upon this committee of investigation?

Mr. DAVIS. No; definitely not. But I do think—

Mr. JACKSON. Is it my understanding, to sum up—

Mr. DAVIS. If I may add one thing——

Mr. JACKSON. Yes.

Mr. DAVIS. I do think the loose use of the word "Communist" in the last 4 or 5 years has made teachers in some colleges and universities afraid to speak out on controversial questions for fear they may be called Communists. I think a certain amount of timidity exists now that didn't exist in the past.

Mr. JACKSON. To sum up the substance of your presentation today, I think the committee can assume from the testimony that the Communist Party did:

(1) Make an effort to recruit teachers and professors into the Communist Party?

Mr. DAVIS. Yes.

Mr. JACKSON. (2) Having recruited them, the party did, by directive or otherwise, lay down certain broad policies which these teachers and professors were expected to follow:

Mr. DAVIS. Yes.

Mr. JACKSON. (3) The Communist Party expected teachers, professors, and others in education, to infiltrate other teacher groups with the idea of putting forward policies and directives enunciated by the Communist Party?

Mr. DAVIS. Yes.

Mr. JACKSON. And (4) to exercise generally, on behalf of the Communist Party, what influence they could?

Mr. DAVIS. Yes.

Mr. JACKSON. And (5) to influence, to the extent possible, the election of group leaders and others within the popular front who were individuals known to be favorable to the policies of the Communist Party?

Mr. DAVIS. Yes.

Mr. JACKSON. Is there any reason to believe, Professor, that the Communist Party line, with respect to education in general, has in any way changed since it was enunciated by Lenin?

Mr. DAVIS. No.

Mr. JACKSON. I should like to add a word of thanks. I think, Professor Davis, you have rendered a tremendous service to the committee and to the country in your very able and lucid presentation here today. It would be my hope that no reprisals—economic, political, or professional—would be visited against you by any person because of your testimony here today. Thank you very much.

Mr. DAVIS. Thank you.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. May I join with my colleague in saying that—to go one step further—I think the kind of contribution you are making, sir, is probably one of the most effective strokes against communism that can possibly be made; and, speaking now for myself, as a new member on this committee, I want you to know I am delighted to have had you before me as the first witness we have had the pleasure of interrogating.

But now, another subject, briefly: You gave me an interim answer which got a little laughter earlier when I suggested you tell us whether our conduct was such that you approved. You said it had been up to that time. As I phrased the question, do I understand

your answer to Mr. Jackson as being that you now, we having concluded, are willing to say that you do think the manner in which we have conducted this is wholesome and good?

Mr. DAVIS. Yes; I am entirely willing to say that.

Mr. CLARDY. You also said something in answer to Mr. Jackson that I would like to explore just very briefly. You were talking on the subject of academic freedom and, while I digress, I assume it is not your intention, any more than that of the committee, to attack either the colleges or the groups as a whole into which Communists have infiltrated as described by you; am I right in that assumption?

Mr. DAVIS. Yes.

Mr. CLARDY. Of course, you understand we are not interested in trying to smear or besmirch the name of anybody, any individual, school, or institution. Heaven knows in my own profession, as a lawyer, what the lawyers have to contend with—and if there is any worse than that, I don't know what it is; but, at any rate, you indicated in the field of academic freedom there might be a little dangerous ground, we would have to tread lightly, and you have approved the way we are treading so far, but isn't it true that one who professes to be and actually is a Communist is a little bit different from those who adhere to Plato or Aristotle's teachings, or someone else? Isn't he a dangerous person to be at loose in the field of education?

Mr. DAVIS. Yes. In this statement I have one sentence as follows: "I do not think we should allow the language of liberalism and democracy to be used by those who would destroy liberalism and democracy." That is, I think the Communists necessarily in universities today are dishonest in what they say, whereas Aristotle and Plato were honest.

Mr. CLARDY. And is not what you are doing and what this committee is doing directed toward and should be directed toward exposing those persons and those motives and the controls that are exerted over those persons?

Mr. DAVIS. Yes; I do. I think this dishonesty should be exposed.

Mr. CLARDY. What I am leading up to is this: You probably read the piece in last night's paper and in this morning's paper by Bishop [G. Bromley] Oxnham attacking us rather severely, attacking us before we two freshmen members here had a chance to perform at organizing or saying anything and using what I rather regarded as the Communist method of smear. Now, I am just asking you: Don't you think the kind of exploration we have undertaken and carried on here today can and will serve a useful purpose despite what the eminent gentleman of the cloth may have said?

Mr. DAVIS. As long as groups of individuals do not misuse some of the testimony.

Mr. CLARDY. Well, as I understand it——

Mr. DAVIS. Yes.

Mr. CLARDY. You agree it has not been misused here today?

Mr. DAVIS. Yes; I agree.

Mr. CLARDY. If we follow the pattern here of today, will you not say we are serving a most useful purpose in the defense of our country?

Mr. DAVIS. Yes; and if you speak out when others do misuse any of this testimony.

Mr. CLARDY. I want to agree with you, and I am sure the rest of the members of the committee do, that we will at no time attack

teachers as teachers, schools as schools, churches as such, nor any of the other groups.

We are merely aiming at the very thing you are talking about, and I again want to thank you and say the people in your home community ought to be proud to have one who is willing to stand up and be counted in this terrific battle against the very dangers of the ages—it is godless communism against all the rest of us.

Mr. VELDE. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. Professor Davis, I wrote down here that you used this language in answer to one question:

I feel that being here today is an unpleasant duty, but one I must accept.

I am not sure I know just how to ask you supplemental to that what I want to know or get this from your fine thinking, but why did you feel it was a duty to come? Why did you feel you must accept it? What compelled you to come in and cooperate with this committee instead of pleading the first or fifth amendment or something?

Mr. DAVIS. Because I broke with the Communist Party 13 years ago because I could not stand the dishonesty and equivocation that we were inseparable from, being a member of the party, expressing one's doubts, pretending to other people a certainty which one really did not feel. I felt I would have spoken out at any time in these 15 years, but since I was summoned now, I was glad to use this opportunity to clear the record and say what I believed.

Mr. DOYLE. Well, why don't more men of your mental capacity feel the same way and come forward and testify as you have?

Mr. DAVIS. Prejudice has been built up over the years, partly by the Communists themselves, but also for reasons that are quite understandable to anyone who has to see the operations of an honor system in colleges, a prejudice against informing. I think the American people generally dislike informers.

Mr. DOYLE. May I ask one more question?

Under Public Law 601, which is the statute under which this committee is assigned a definite duty, one of our duties is to go into all questions with reference or relation to subversive and un-American propaganda which may aid in any necessary remedial legislation. Now, that is, I think, the exact wording of the last section of the statute under which we operate.

Have you anything to suggest to us which would help us in the field of remedial legislation on the subject of subversive propaganda or activities in our Nation?

Mr. DAVIS. No; I don't think my training really equips me to make a valuable suggestion there. I've had so little experience with law and legislation.

Mr. DOYLE. May I ask you this one further question then? Did more than just you leave that cell at the university when you left? I mean, was there any agreement between you and others that they would leave? Did others also open their eyes and come to feel that the Communist Party was dishonest, or were you the sole member of the cell that resigned at that time?

Mr. DAVIS. Two things happened: First, a member or members of the unit left to go to other colleges in the normal course of their aca-

demic advancement, and I think instead of breaking formally with the party, they simply didn't join where they next went.

Others, I know, from testimony that will be given to you after I have left the stand, broke with the party in the weeks and months following, but my own leaving was an entirely individual matter. I came to these conclusions by myself.

Mr. DOYLE. You mentioned 2 or 3 books and pamphlets, periodicals, that were published by or for the Communist Party. Have you in mind any small list of papers and periodicals that you believe now are the mouthpiece of the Communist Party in this country?

If you have, could you leave it with our committee so that we may have the benefit of it?

Mr. DAVIS. I'll do that, although I don't think I could add to what the investigators know.

Mr. DOYLE. Thank you very much.

Mr. VELDE. Mr. Frazier?

Mr. FRAZIER. No questions, Mr. Chairman, but I would like to take this occasion to thank the professor for the information and fine co-operation he has given the committee on this occasion.

Mr. DAVIS. Thank you.

Mr. VELDE. Mr. Davis, I wanted to ask a few questions along the line of Mr. Clardy's questioning.

With reference to religion particularly, is there any question in your mind that if the Soviet Government and the American Communist Party were able to establish a philosophy of thinking here in the United States of America, that we would have any of our religious freedom left?

Mr. DAVIS. No; the destruction might be gradual for political reasons, but it would occur in time, if they could convince the young people that Marxist dialectic was the true philosophy, because Marxist dialectic is inconsistent with a belief in religion.

Mr. VELDE. Why, then, if communism is known to advocate destruction of religion all over the world, would so-called religious leaders—like Bishop [G. Bromley] Oxnam, Dr. Sayre,<sup>3</sup> and Reverend Davies<sup>4</sup>—oppose the efforts of this committee to expose communism and uphold freedom of our people to worship God as they please?

Mr. DAVIS. I don't think I could really enter into the motives.

Mr. VELDE. Well, for the life of me I am not able to determine that either, but it seems that every time we hold an investigation, certain people do take opposition to our hearings, the manner in which we conduct them, and cite many facts which I believe, as you have so ably described, are untrue, and I want to say now I appreciate the compliment which you gave to this committee when you said you felt sure we were not interfering with the academic freedom or freedom involved in in any way.

It is a great pleasure and privilege for members of the committee to listen to you in your very fine statement which you made today. I am sure it is very valuable to this committee in its efforts to determine facts regarding Communist infiltration into education.

Now, we have had a formal call,<sup>2</sup> I believe, so we will stand in recess for 30 minutes.

<sup>2</sup> Quorum call from floor of United States House of Representatives.

<sup>3</sup> Very Rev. Francis B. Sayre, Jr.

<sup>4</sup> Rev. Dr. A. Powell Davies.



(Thereupon, at 3:35 p. m., the hearing was recessed, to reconvene at 4:05 p. m., the same day.)

(At 4:07 p. m., the following committee members reentered the hearing room: Representatives Harold H. Velde, Donald L. Jackson, Gordon H. Scherer, and Clyde Doyle, and the proceedings were resumed.)

Mr. VELDE. The Chair wishes to make an announcement: That due to the rollcall which the Members had to answer and the time that it took, and since there is other business which we have to attend to as well as this business, we will now stand recessed until 9:30 tomorrow morning.

(Whereupon, at 4:08 p. m., the hearing was recessed until 9:30 a. m., Thursday, February 25, 1953.)



# COMMUNIST METHODS OF INFILTRATION (EDUCATION)

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THURSDAY, FEBRUARY 26, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## PUBLIC HEARINGS

The Committee on Un-American Activities met, pursuant to adjournment, at 9:35 a. m., in the caucus room, Old House Office Building, Hon. Harold H. Velde, chairman, presiding.

Committee members present: Representatives Harold H. Velde (chairman), Bernard W. Kearney, Kit Clardy, Gordon H. Scherer, Francis E. Walter (appearance noted in hearing), Morgan M. Moulder, Clyde Doyle, and James B. Frazier, Jr. (appearance noted in hearing).

Staff members present: Frank S. Tavenner, Jr., committee counsel; Thomas W. Beale, Sr., chief clerk; Louis J. Russell, chief investigator; Raphael I. Nixon, director of research; Donald T. Appell and Earl L. Fuoss, investigators.

Mr. VELDE. The committee will come to order.

Let the record show that present are Messrs. Kearney, Clardy, Scherer, Doyle, Moulder, and the chairman.

Whom do you have as your first witness?

Mr. TAVENNER. I would like to call Mr. Daniel J. Boorstin.

Mr. VELDE. In the testimony you are about to give before this committee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOORSTIN. I do.

Mr. VELDE. Be seated.

## TESTIMONY OF DANIEL J. BOORSTIN

Mr. TAVENNER. What is your name, please, sir?

Mr. BOORSTIN. Daniel J. Boorstin.

Mr. TAVENNER. Will you spell your last name?

Mr. BOORSTIN. B-o-o-r-s-t-i-n.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. BOORSTIN. No, sir.

Mr. TAVENNER. It is the practice of the committee to advise every witness that they have the right to have counsel present if they so desire. So I want to give you that privilege, if you desire it.

Mr. BOORSTIN. Yes.

Mr. TAVENNER. Do you desire counsel?

Mr. BOORSTIN. No, sir.

Mr. TAVENNER. When and where were you born?

Mr. BOORSTIN. Atlanta, Ga., October 1, 1914.

Mr. TAVENNER. What is your present occupation?

Mr. BOORSTIN. University professor.

Mr. TAVENNER. At what institution?

Mr. BOORSTIN. University of Chicago.

Mr. TAVENNER. Will you give the committee, please, a brief summary of your educational preparation?

Mr. BOORSTIN. I was graduated from Harvard College with a B. A. degree in 1934; received the A. B. degree from Oxford University, England, in 1936; and a B. C. L. degree from Oxford University in 1937; the J. S. D. degree from Yale University in 1941.

Mr. TAVENNER. Will you outline for the committee, please, what your record of employment has been since the completion of your education?

Mr. BOORSTIN. I was first employed by Harvard College as an instructor and tutor in history and literature in 1938. I was employed by Harvard College in 1942, during which time I taught briefly at Radcliffe College and the Harvard Law School.

Mr. TAVENNER. Will you raise your voice just a little?

Mr. BOORSTIN. Yes, sir.

For several months during 1942, during the summer of 1942, I was employed on the legal staff of the Lend-Lease Administration.

From 1942—from the fall of 1942 until the summer of 1944 I was employed as assistant professor of history at Swarthmore College, Swarthmore, Pa.

Since the fall of 1944 I have been employed by the University of Chicago; first as visiting assistant professor of legal history; later as assistant professor of American civilization; and now as associate professor of American history.

Mr. TAVENNER. Doctor, are you now a member of the Communist Party?

Mr. BOORSTIN. No, sir.

Mr. TAVENNER. Have you at any time been a member of the Communist Party?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. When and over what period of time were you a member of the party?

Mr. VELDE. Just a minute, before you answer that question. Do you have any objection to being photographed by the newsreels?

Mr. BOORSTIN. No, sir.

Mr. VELDE. Proceed, Mr. Tavenner.

Mr. TAVENNER. My question was, When and over what period of time were you a member of the Communist Party?

Mr. BOORSTIN. For a period of something less than a year, terminating approximately in September 1939. That is about 14 years ago that my association ceased.

Mr. TAVENNER. Are you speaking now of the Communist Party of the United States?

Mr. BOORSTIN. Yes, sir. Previous to that time I had been a member of a Marxist study group at Oxford University for a brief period. As best I can recall, about a year.

Mr. KEARNEY. Were you a member of the party at that time?

Mr. BOORSTIN. As I have tried—may I just make one statement, sir? This was many years ago. It was about between 14 and 16 years ago, and it was not an important episode in my life in the sense that I had any position of leadership, or anything of that kind. It is very difficult for me to recall the precise nature of that group at Oxford. It may have been an affiliate of the Young Communist Organization of England. It may not have been so. I don't recall clearly.

Mr. KEARNEY. That was 14 years ago?

Mr. BOORSTIN. That was about 16 years ago.

Mr. KEARNEY. Sixteen?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. When did you state you withdrew from the Communist Party?

Mr. BOORSTIN. Approximately September 1939.

Mr. TAVENNER. Have you been connected or affiliated with the Communist Party in any way since that time?

Mr. BOORSTIN. No, sir.

Mr. TAVENNER. Have you been in opposition to the Communist Party since the time you withdrew in 1939?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. Have you been active in your opposition?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. I would like for you to go back to the first connection that you had with the Communist Party, or a Communist Party group, and advise the committee just the circumstances under which you were recruited into the group, or joined the group.

I think you should begin with your experience at Oxford as a Rhodes scholar.

Mr. BOORSTIN. Yes. I will try to recall to the best of my ability the details, although you can understand, Mr. Tavenner, that it is a long time ago and it is difficult to remember in detail.

I don't remember whether anyone ever tried to recruit me into that group, or urged me to join. As best as I can remember I was a member of the group and the precise details of how I ever got into the study group are difficult to recall in detail.

Mr. TAVENNER. Let me ask you a few questions about it.

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. Did you pay dues in this group?

Mr. BOORSTIN. I don't even remember that. I think I may have.

Mr. TAVENNER. Were you issued a membership card of any description?

Mr. BOORSTIN. I have a vague recollection of having signed a card of some kind.

Mr. TAVENNER. Did you sign it with your own name or were pseudonyms used?

Mr. BOORSTIN. As best as I can recall, it was with my proper name.

Mr. TAVENNER. How many people were in the group?

Mr. BOORSTIN. I don't remember exactly. In fact, it is hard for me to recall what the nature of its activities were. I would guess there might have been 100 or so students—Oxford students—in the group together. That is just a guess.

Mr. TAVENNER. In the group as a whole?

Mr. BOORSTIN. Yes.

Mr. TAVENNER. Was it divided into smaller groups, do you know?

Mr. BOORSTIN. Not so far as I can recall. No, sir.

Mr. TAVENNER. Did the group have a name?

Mr. BOORSTIN. I can't recall its name, sir. It may have had, but I can't remember the details of it. All I can remember is that it was identified as the local group of people who were interested in Marxism at the university.

Mr. TAVENNER. You state it was a group interested in Marxism. Was it known as a Communist Party group also?

Mr. BOORSTIN. It may have been, sir. I can't remember precisely. My own interest in it was intellectual. I considered it as a study group and had the impression that many others did also.

Mr. TAVENNER. What was the nature of the subjects that you studied in that group?

Mr. BOORSTIN. As best as I can recall, it was subjects connected with the Marxist or materialist interpretation of history.

Mr. TAVENNER. Do you recall whether or not the Communist Party literature or material was furnished to the group for its study in the form of pamphlets or books?

Mr. BOORSTIN. No, sir. I can't recall.

Mr. KEARNEY. Wouldn't that naturally follow then if it was a Marxist group interested in the study of Marxism?

Mr. TAVENNER. But if the material was furnished by the Communist Party I think it would have a special bearing on it, because there were many subjects that the Communist Party was interested in—many books and pamphlets that they sponsored which may not have been in a purely Marxist study group.

Mr. CLARDY. Why don't we just ask him to tell us how they went about studying Marxism? Maybe he can enlarge on it in that way.

Mr. BOORSTIN. I will give you the best of my recollection, Mr. Clardy. I can't remember the details. All I can recall is that there were—that students were reading Marxist literature at that time. There was a thing called a Left Book Club which existed in England and which had many, many members.

Mr. VELDE. How do you spell that, Doctor?

Mr. BOORSTIN. Left—L-e-f-t Book Club.

Mr. TAVENNER. Did you study the Communist Manifesto?

Mr. BOORSTIN. I don't recall specifically, sir.

Mr. TAVENNER. Do you recall the book State and Revolution?

Mr. BOORSTIN. I recall the name, but I don't recall specifically having studied it at Oxford. No, sir.

Mr. TAVENNER. Is there any other information that you can give the committee regarding the activity of that group which you joined at Oxford?

Mr. BOORSTIN. I have a vague recollection of a large meeting in a hall somewhere in Oxford during which there were about 100 or 150 people present. And I have a recollection that some of the students in the group may have rung door bells for the Labor Party in some of the elections during the period that I was in England.

Beyond that it is awfully vague.

Mr. TAVENNER. When did you leave Oxford?

Mr. BOORSTIN. 1937.

Mr. CLARDY. Mr. Counsel, before you leave that, I have a recollection of his having told the committee at some time or other that

pretty nearly all of the Rhodes scholars from this Nation belonged to that group. Is that correct?

Mr. BOORSTIN. I think I said that in executive session, Mr. Clardy.

Mr. CLARDY. I recall that from the transcript.

Mr. BOORSTIN. But since having made that statement—that was last summer—I have been thinking it over and trying to figure out exactly how many of the Rhodes scholars of my year I could remember as having been in that group. Or of the Rhodes scholars who were there at the time, and I think as best I can recall it was about six.

So I am afraid that was an exaggeration.

Mr. CLARDY. Six out of how many?

Mr. BOORSTIN. About 70. There were about 75 American Rhodes scholars there during my period; but from any one year there were about 32.

Mr. CLARDY. So comparing this with what you said earlier, it would be about 6 out of 32 instead of nearly all?

Mr. BOORSTIN. No. My acquaintance included some Rhodes scholars from all the three classes, but I would not have known all of them.

Mr. CLARDY. I see.

Mr. BOORSTIN. So I would say it would be hard to say, sir.

Mr. CLARDY. Thank you.

Mr. MOULDER. Mr. Chairman.

Mr. VELDE. Mr. Moulder.

(Representatives Francis E. Walter and James B. Frazier, Jr., entered the hearing room at this point.)

Mr. MOULDER. I understand six actively participated in the meetings?

Mr. BOORSTIN. There would be six whom I would remember. About six whom I would remember as having been interested in the materialist interpretation of history, and having been probably members of this group.

Mr. MOULDER. A short time ago Mr. Tavenner asked you a question as to your active opposition to the Communist Party since you had terminated your affiliation with the party.

Mr. BOORSTIN. Yes.

Mr. MOULDER. Can you give us some statement as to how you expressed your opposition since that time?

Mr. BOORSTIN. Yes, sir.

Mr. MOULDER. As to how you have expressed your opposition and what acts or expressions have you made in opposition to the party?

Mr. BOORSTIN. Yes, sir.

My opposition has taken two forms: First, the form of an affirmative participation in religious activities, because I think religion is a bulwark against communism. This has been expressed in my activities in the Hillel Foundation at the University of Chicago, which is the local Jewish student group.

Mr. TAVENNER. Will you spell the name?

Mr. BOORSTIN. H-i-l-l-e-l; and which is concerned in trying to develop in students an awareness of the importance of religion in their lives and in relation to the American tradition.

I wrote a book on Jefferson some years ago, of which the motto was, "Can the liberties"—it is a quotation from Jefferson—"Can the liberties of a people be thought secure if they have lost their only

firm basis—the belief that those liberties are the gift of God?” I believe that, sir.

The second form of my opposition has been an attempt to discover and explain to students in my teaching and in my writing, the unique virtues of American democracy. I have done this partly in my Jefferson book which, by the way, was bitterly attacked in the *Daily Worker* as something defending the ruling classes in America; and in a forthcoming book called *The Genius of American Politics*, which is on the presses at the moment.

I have written articles and book reviews for a commentary magazine which is a strongly anti-Communist journal, trying to explain to people the relation of the Jewish tradition to American institutions.

Mr. TAVENNER. When you returned to the United States did you take up your studies at Yale?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. While at Yale did you affiliate with any group of the Communist Party?

Mr. BOORSTIN. No, sir.

Mr. TAVENNER. How long were you at Yale?

Mr. BOORSTIN. From the fall of 1937 until the summer of 1938.

Mr. TAVENNER. After leaving Yale where did you resume your studies?

Mr. BOORSTIN. I continued the preparation of my thesis for the doctor's degree while I was an instructor and tutor in history and literature at Harvard College at Cambridge, Mass.

Mr. TAVENNER. And you entered in the fall of 1938. Is that substantially correct?

Mr. BOORSTIN. My employment at Harvard College?

Mr. TAVENNER. Yes.

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. And you were at Harvard from 1938 until 1942, I understand?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. And while at Harvard you were a part-time teacher, is that correct, to begin with?

Mr. BOORSTIN. Yes, sir. I can't recall whether it was technically part-time or full-time, but I was employed, and also the understanding was, I was to complete my graduate work by writing my thesis.

Mr. TAVENNER. After you entered Harvard in the fall of 1938, you then joined the Communist Party of the United States, as I understand it?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. Will you tell the committee the circumstances under which you became a member of the Communist Party at that time?

Mr. BOORSTIN. There were a number of circumstances that as I can recall now led me into the group. One was that those were the days of the so-called United Front, during which the Communist Party was taking the position of supporting all liberal and progressive groups. Their motto was, "Communism Is Twentieth Century Americanism," at that time.

They had somewhat succeeded in blurring the line between themselves and other groups. Also they were at that time taking a position against anti-Semitism and against the Nazis, and as a Jew that had a certain appeal to me, naturally.



Also during that year Granville Hicks was a counselor in American studies, and he was a well-known person who had written a book about American literature. His presence lent a certain amount of glamor to the group.

In addition to that, there were some old friends of mine who had been interested in Marxism at Oxford, who were at Harvard at that time, and as friends of mine they added to the interest of the group.

It is hard to explain the thing any more clearly than that, sir. There were many different things.

MR. TAVENNER. Were these former associates of yours at Oxford members of the Communist Party group at Harvard?

MR. BOORSTIN. Yes, sir.

MR. TAVENNER. What were their names?

MR. BOORSTIN. Richard B. Schlatter; and Richard M. Goodwin.

MR. TAVENNER. What were their positions at Harvard at that time?

MR. BOORSTIN. As well as I can remember it, it was about the same as mine. They had some sort of position as instructor and were completing their studies, as I recall.

MR. TAVENNER. How closely were you associated with those two persons at Oxford?

MR. BOORSTIN. They were my roommates during my last year at Oxford.

MR. TAVENNER. Were both of them members of the same group at Oxford of which you were a member? The group which you described a few minutes ago?

MR. BOORSTIN. They were both in this study group. Yes, sir.

MR. TAVENNER. Do you recall the circumstances under which you were actually brought into the party at Harvard? Did anyone approach you on the subject, or did you approach any particular individual?

MR. BOORSTIN. I am sorry, but I can't remember the details.

MR. TAVENNER. You spoke of Granville Hicks being at Harvard that year.

MR. BOORSTIN. Yes, sir.

MR. TAVENNER. Do you know what his position was at Harvard?

MR. BOORSTIN. I don't remember the exact title. It may have been counselor or fellow in American history.

MR. TAVENNER. Was that the year in which Harvard began the counselor system in advising students in history?

MR. BOORSTIN. I think it was the first year. I wouldn't be sure if it was either the first or the second year.

MR. TAVENNER. Was it connected with that particular project that Mr. Granville Hicks had been engaged?

MR. BOORSTIN. Yes, sir.

MR. TAVENNER. Was he a person known at that time openly as a member of the Communist Party?

MR. BOORSTIN. Yes, sir.

MR. WALTER. By "openly" what do you mean?

MR. BOORSTIN. He wrote for the newspapers and wrote frequently for Communist newspapers and journals, and admitted publicly that he was a member of the Communist Party.

MR. WALTER. So that at the time he was selected as a counselor at Harvard it was a well-known fact that he was an active member of the Communist Party?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. Did you discuss your induction into the Communist Party with Granville Hicks before actually becoming a member?

Mr. BOORSTIN. I don't remember, sir. I may have. I don't remember.

Mr. TAVENNER. Where did you reside as an instructor or student at Harvard?

Mr. BOORSTIN. Kirkland House. K-i-r-k-l-a-n-d House. Kirkland House.

Mr. TAVENNER. Where did Mr. Granville Hicks reside? Do you know?

Mr. BOORSTIN. I believe he was attached to Adams House, but I think he was not residing there because he was married.

Mr. TAVENNER. I understood you to state that the presence of a person of the reputation of Mr. Granville Hicks at that time had a bearing upon your decision to become a member of the Communist Party at that particular time?

Mr. BOORSTIN. It was one of several factors. Yes, sir.

Mr. TAVENNER. Do you know whether his presence and his employment had any bearing upon the decision of others to join the Communist Party at Harvard?

Mr. BOORSTIN. I don't know it for a fact. No, sir.

Mr. TAVENNER. How long did Mr. Hicks remain employed at Harvard?

Mr. BOORSTIN. As well as I can recall it was for just 1 academic year. It may have been more. I don't recall.

Mr. TAVENNER. What was the general nature of your experience as a member of the party at Harvard? What were the activities in which the members of the group engaged?

Mr. BOORSTIN. From my point of view, sir, it was primarily a study group in which people talked about Marxism and materialist interpretation of history. The activities of the group included an attempt to affect the policies and the leadership of the Harvard Teachers' Union. Those were the two principal activities I can recall.

Mr. TAVENNER. The Harvard Teachers' Union—and what was the other activity? You said there were two.

Mr. BOORSTIN. The study group aspect of it. I was never particularly active in the group and never had a leadership position in the group.

Mr. CLARDY. Was that teachers' union purely a local organization, or part of something else?

Mr. BOORSTIN. It was a branch of the American Federation of Labor—of the American Federation of Teachers which, in turn, was a branch of the American Federation of Labor.

Mr. CLARDY. Some question was raised whether it was part of the A. F. of L. You are not sure of that?

Mr. BOORSTIN. It was my impression it was part of the A. F. of L. I may have been mistaken in that, but it is my impression.

Mr. WALTER. It was a component part of the Teachers' Union and the Teachers' Union was an affiliate of the A. F. of L.?

Mr. BOORSTIN. To the best of my knowledge, yes.

Mr. KEARNEY. It was a national organization?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. Did you become a member of the local Teachers' Union?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. What part did the Communist Party play in your becoming a member of the union?

Mr. BOORSTIN. I can't remember, sir. I may have become a member before I joined the group. I don't recall.

Mr. TAVENNER. Was there any effort made by members of the Communist Party to require all of its members to be members of that particular union?

Mr. BOORSTIN. I don't recall any requirement, but it is my impression that most of the members of the group were members of the Teachers' Union?

Mr. TAVENNER. Did you at any time take part in a caucus of Communist Party members of the local union to decide ahead of meetings what action should be taken in the meetings?

Mr. BOORSTIN. I was unaware of a special caucus, if there was one, but the meetings of the local Communist group would discuss this, among other things.

Mr. TAVENNER. Were you a delegate at any time to a district convention or a national convention of the Teachers' Union?

Mr. BOORSTIN. Not to the best of my recollection. No, sir.

Mr. TAVENNER. Did you participate in any other meetings of any other groups at the instance of the Communist Party?

Mr. BOORSTIN. Not that I can recall. No, sir. Except the Teachers' Union.

Mr. TAVENNER. Did you belong to any other groups? Did you join any other groups as far as you can now recall?

Mr. BOORSTIN. I can't recall for sure, but I think I may have been a member of other groups.

Mr. TAVENNER. Let me ask you specifically about this one: Were you affiliated in any way with the American League for Peace and Democracy?

Mr. BOORSTIN. Not to the best of my recollection. No, sir.

Mr. TAVENNER. Did you unite with the American Peace Mobilization?

Mr. BOORSTIN. No, sir. Not so far as I can recall.

Mr. TAVENNER. Did you belong to more than one group of the Communist Party—were you at any time assigned to a group different than the one you first united with?

Mr. BOORSTIN. I was never assigned to any group. I was not a member of any other group than that one which I have mentioned. No, sir.

Mr. TAVENNER. How many composed the group at Harvard?

Mr. BOORSTIN. I wouldn't remember precisely, but I would guess it was somewhere around eight or a dozen, approximately.

Mr. TAVENNER. Were they restricted to any particular group at Harvard?

Mr. BOORSTIN. It was my impression that most of them were in some way or other connected with Harvard University.

Mr. TAVENNER. Were any students of the university members of the group?

Mr. BOORSTIN. Not to the best of my recollection. It may have been that some of the people in the lower instructional capacities may also have been completing their graduate work at Harvard at that time.

Mr. KEARNEY. They were mostly teachers and instructors?

Mr. BOORSTIN. Yes, sir. Of a lower status of instructors, as I recall.

Mr. TAVENNER. Were you acquainted with a person by the name of Israel Halperin—H-a-l-p-e-r-i-n?

Mr. BOORSTIN. I recall only having seen him during these meetings of this group. I have not seen him since then—since 1939.

Mr. TAVENNER. What was his position at the university?

Mr. BOORSTIN. I don't know precisely. He may have been an instructor.

Mr. TAVENNER. Was he still a member of that group at the time you left it in September 1939?

Mr. BOORSTIN. To the best of my recollection. Yes, sir.

Mr. TAVENNER. Did you ever have occasion at a later date to discuss with any former member, or any member of that group, the activities of Mr. Halperin in Canada?

Mr. BOORSTIN. No, sir. Not with a member of that group. I have not discussed matters of communism with any of those people since then. No, sir.

Mr. TAVENNER. Were you ever solicited for funds for the benefit of Mr. Halperin or any other person in Canada?

Mr. BOORSTIN. Not to the best of my recollection. If I was solicited I didn't contribute.

Mr. TAVENNER. Were you acquainted with Mr. Jack Rackliffe—R-a-c-k-l-i-f-f-e?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. What was his position in the university?

Mr. BOORSTIN. I believe he was an instructor.

Mr. TAVENNER. Was he a member of this group of which you were a member?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. Was he still a member at the time you left the party in September 1939?

Mr. BOORSTIN. I don't recall for a fact, sir.

Mr. WALTER. How many counselors were members of the Communist Party?

Mr. BOORSTIN. Granville Hicks is the only one I can recall in the group.

Mr. KEARNEY. How many counselors were there altogether?

Mr. BOORSTIN. I think there may have been 10 or a dozen.

Mr. KEARNEY. Was the party affiliation of Granville Hicks known to the university authorities?

Mr. BOORSTIN. To the best of my knowledge it was. Yes, sir.

Mr. KEARNEY. In other words, if he were writing articles for certain newspapers it certainly should have been general knowledge.

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. Do you know whether the two persons that I first asked you about, Mr. Richard Schlatter and Mr. Goodwin, were members of the party at the time you left the party in September 1939?

Mr. BOORSTIN. Were they still members or did they remain members?

Mr. TAVENNER. Yes. I want to ask you both questions. Were they still members and did they remain members?

Mr. BOORSTIN. As I can recall, they were members at the time I was a member. I do not know what they did thereafter, and I have not discussed political matters with them.

Mr. KEARNEY. Mr. Counsel, how would the witness know if they remained members of the Communist Party after he had left the party?

Mr. TAVENNER. We had the testimony here yesterday of the witness, Mr. Davis, that he knew that some of the persons he had named had withdrawn from the party, and he gave various reasons for knowing some of them withdrew after he did and some before he did. I thought this witness might know the circumstances if he was well acquainted with one or more of these individuals, and I think I should say that the committee has information that Mr. Richard Schlatter has withdrawn from the party and that he did withdraw back about very close to the same time this witness states that he did.

Mr. KEARNEY. That might be true, but what I am confused about is, if I belonged to an organization and I left, why should I know of my own knowledge that other members that I knew to be members at the time I was a member, remained in the organization?

Mr. TAVENNER. That would depend entirely on the type of information you have. You might have information that would warrant you in concluding that the man was no longer a member of the party.

Mr. KEARNEY. Which would be practically hearsay evidence.

Mr. TAVENNER. It would be the only type of evidence I think a person could act upon.

Mr. CLARDY. He could know much better whether he was a member than whether he was not. It is like trying to prove everybody in this room didn't commit a murder.

Mr. MOULDER. Mr. Chairman, may I ask a question?

Mr. VELDE. Mr. Moulder.

Mr. MOULDER. I wonder whether or not, when you became a member of the Communist Party, was it then generally recognized as a political party and was it then known or not known as a world movement, or a plan or conspiracy inspired by the Kremlin to dominate the world? What was your understanding of that theory of the conduct of the Communist Party at that time?

Mr. BOORSTIN. At that time, as I say, it was the period of the united front. At that time my understanding, which I have since discovered to be erroneous, was that they were the most progressive and forward looking of liberal groups.

Mr. MOULDER. Then it is your explanation that your membership in the Communist Party was because of your interest, or your study, in the principles or philosophy of a government as then being proposed by the Communist Party?

Mr. BOORSTIN. No, sir. Excuse me, sir. It was primarily an interest in a theory of history—the materialist interpretation of history—together with the feeling that these people were at that time standing up for humanitarian causes and fighting anti-Semitism in Nazi Germany, for example.

Mr. SCHIERER. Professor, I believe you said that was one of the primary reasons why you joined the party; that you believed at that

time that it was opposed to anti-Semitism. Now today you know as a matter of fact that instead of being opposed to anti-Semitism the Communist Party of Russia is violently anti-Semitic.

Mr. BOORSTIN. Yes, sir.

Mr. SCHERER. You know that as a matter of fact from your studies?

Mr. BOORSTIN. Yes, sir.

Mr. SCHERER. Almost as much as the Nazi Party was, or perhaps even more so?

Mr. BOORSTIN. Yes, sir.

Mr. CLARDY. The best reason in the world why that sort of folks should not go under the Communist Party, is it not?

Mr. BOORSTIN. Yes, sir. One of many reasons.

Mr. CLARDY. I didn't mean to exclude the other important ones.

Mr. TAVENNER. Will you state, Doctor, just what, in any, influence this group of Communist Party members exerted over the students who were members of the classes of various professors, if you know?

Mr. BOORSTIN. As a matter of fact, it was a curious sort of thing, as I think Mr. Davis said yesterday, that there was, as best as I can recall, never an effort made to affect what one said in the classroom, or to the student. Nevertheless, the fact that members of the faculty were interested politically and lent their names to political groups may have affected the attitudes of students.

Mr. TAVENNER. Was it openly known in the university that there was a Communist Party cell within the faculty members—among most of the faculty members?

Mr. BOORSTIN. I think it was generally known. There was a great deal of hocus-pocus connected with the group, but I think it was generally known that this was——

Mr. MOULDER. The point I tried to make a moment ago was that your becoming a member of that cell was as much for the purpose of promoting the influence of the Communist Party, or was it for your own discussion as a student and in the study of it?

Mr. BOORSTIN. I think it was primarily the latter, sir.

Mr. WALTER. If it was the latter, then why was there all this hocus-pocus, and why did everybody conceal the fact that they were members of this party? You know that isn't the fact. You know the reason why there was all this hocus-pocus is because you all had a feeling you were participating in some sort of a movement that was perhaps slightly un-American. Isn't that the fact?

Mr. BOORSTIN. I think, Mr. Walter, the secrecy was part of the appeal of it also; especially to young people. That it had a kind of lodgelike appeal. And I think all of the members—I certainly had the impression what I was doing was not illegal, and I saw no illegal acts committed, but the notion that there was a cozy little group of people who had this certain rignarole was part of the appeal.

Mr. KEARNEY. While you were a member of the party were you ever addressed at any of your meetings by any high functionaries of the party?

Mr. BOORSTIN. My only recollection of that kind was that there was a representative, Frankfeld I think was his name——

Mr. KEARNEY. The same name that was mentioned here yesterday?

Mr. BOORSTIN. Yes, sir.

Mr. KEARNEY. Phil Frankfeld?

Mr. BOORSTIN. Yes, sir. To the best of my recollection. And he came to these meetings and attempted to discuss the books and talk about the policies of the group.

Mr. WALTER. Did he discuss revolution?

Mr. BOORSTIN. Not to the best of my recollection. The level of that discussion and his general approach to these problems was one of the things—one of the many things that disgusted me with the group.

Mr. WALTER. I have been curious to know whether or not the teachings of Frankfeld recently would have been any different than those that you knew about? I say that because he was recently sentenced to the penitentiary for those teachings.

Mr. BOORSTIN. I am sorry, sir. I haven't seen him since 1939, and I had very slight contact with him then—only in these meetings.

Mr. CLARDY. Witness, do I understand from your statement made a while ago that you are no longer a member of the party, that you have not only done so because of the anti-Semitic angle, but also because you now reject the theory of Marxism and all those things that you were studying at the time?

Mr. BOORSTIN. Yes, sir.

Mr. CLARDY. In other words, you have come to realize at last that they were fallacious and that they were not good for America, and you quit the party?

Mr. BOORSTIN. Yes, sir. I consider that a part of the process of growing up.

Mr. CLARDY. And your thought of the influence of groups of that kind you did belong to was that they were bad for America and should be disbanded?

Mr. BOORSTIN. Yes, sir.

Mr. KEARNEY. Do you know whether Frankfeld was ever a student in any university?

Mr. BOORSTIN. No, sir. I do not.

Mr. KEARNEY. Do you know, as a matter of fact, whether he ever attended any of the common schools or not?

Mr. BOORSTIN. No, sir. I do not.

Mr. KEARNEY. And still he addressed university professors at Harvard?

Mr. CLARDY. Of course, Mr. Lattimore never received a degree anywhere either, but he parades as a doctor.

Mr. TAVENNER. What were the circumstances which induced you to leave the Communist Party? What occurred to make you change your mind?

Mr. BOORSTIN. Well, Mr. Tavenner, it was a growing disgust with the way of thinking and the attitudes of people in the group. The most dramatic event which brought it out into the open was the Nazi-Soviet Pact, which revealed both the willingness of the Soviet Union to collaborate with nazism and the intellectual bankruptcy of the American Communists who switched their line around according to what the Daily Worker said.

As I recall, the day after the Nazi-Soviet Pact, or just about then, the Communists denied everything they had been saying for years.

Mr. SCHERER. Could I ask a question, Mr. Chairman?

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Professor, do you feel today than an active member of the Communist Party should be a teacher in our public schools?

Mr. BOORSTIN. No, sir.

Mr. SCHERER. Do you feel that he should be a teacher in our colleges?

Mr. BOORSTIN. In any area where I have any expert competence, that is, in the area of the humanities and social sciences, my answer would be no.

Mr. CLARDY. For the same reasons you gave to me a moment ago?

Mr. BOORSTIN. Yes, sir.

Mr. WALTER. But, Doctor, don't you recognize the fact that students have such a high regard, even awe, for professors, and take a professor of trigonometry, for example, that it would create such an impression on a young man that if he were to indicate something or other that was not proper—something political—wouldn't that young man be apt to accept the suggestions made by that professor? And suppose that that professor engaged in any extracurricular activities?

The fact that he had created an impression on his students I should think would make him a very strong force in the community in which he did lecture, among other things.

Mr. BOORSTIN. Mr. Walter, my feeling about the matter is that no one should be employed to teach in a university who was not free intellectually; and in my opinion membership in the Communist Party would be virtually conclusive evidence that a person was not intellectually free.

Mr. SCHERER. He would also believe in the overthrow of the American Government by force and violence if he was an active Communist Party member, as I asked, wouldn't he?

Mr. BOORSTIN. It is my impression that the Supreme Court has held that leadership in the Communist Party is participation in a conspiracy.

Mr. CLARDY. It was Hitler's theory to seize the minds of the youth by the method we have been talking about; was it not?

Mr. BOORSTIN. Yes, sir.

Mr. CLARDY. That is one of the reasons why I take it you have answered as you did to the good questions asked by Mr. Walter?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. I understood you to say that since 1944 you have been engaged in teaching at the University of Chicago?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. Have you had any affiliation of any character with the Communist Party while at the University of Chicago?

Mr. BOORSTIN. No, sir.

Mr. TAVENNER. While at Chicago you have written the books and have taken the action that you have described as being in opposition to the Communist Party?

Mr. BOORSTIN. Yes, sir.

Mr. TAVENNER. Are there any other activities that you have engaged in since being at Chicago which would be in opposition to the Communist Party, and of which you have not told us?

Mr. BOORSTIN. Not that I can recall, sir. I am not basically a political person and I am not active politically. I do feel that the most effective way to fight communism is—the one effective way in which I may have some competence is by helping people to understand the virtues of our institutions and their special values as those emerged from our history, and I have tried to do that.

Mr. TAVENNER. I want to see if I understand you correctly in your answers to various questions by members of the committee.



Do I correctly understand that you are definitely of the opinion that no person should be employed as a teacher in our educational system who is subject to the discipline and the directives of the Communist Party because they are not free to act? Is that in substance your view?

Mr. BOORSTIN. I think a member of the Communist Party should not be employed by a university. I would not hire such a person if I were a university president.

Mr. VELDE. I think, Mr. Counsel, the witnesses has made himself clear on that point. Let us proceed along further.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Kearney.

Mr. KEARNEY. Just two questions. How old were you when you were in Oxford?

Mr. BOORSTIN. About 21.

Mr. KEARNEY. How old were you when you joined the Communist Party at Harvard?

Mr. BOORSTIN. About 23 or 24.

Mr. KEARNEY. That is all.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Witness, as I understand it, it is obviously your conclusion now that the work this committee is undertaking is serving a good purpose, but I would like to have you tell us whether you do actually agree.

Mr. BOORSTIN. Well, I think this is the second day of the public hearings and I think that the committee should be judged by the record which it makes.

Mr. CLARDY. If we continue on the line we have followed would you agree with us and the witness yesterday that it does serve a useful purpose?

Mr. BOORSTIN. It is not for me to judge, sir. I have had little experience with legislation. I can't see—I can't myself think of any legislation that would serve these purposes at the moment, but I am not expert in this field and I am afraid I just wouldn't be able to help you.

Mr. CLARDY. To carry it one step further in the same general direction then, has there been anything that you have heard thus far, either in your own examination or that of Mr. Davis of yesterday, that in any way impinged upon this vague thing we call academic freedom, in your judgment?

Mr. BOORSTIN. The committee has been extremely courteous to me, sir.

Mr. CLARDY. Well, answer my question directly, if you can.

Mr. BOORSTIN. This committee has not in any way impinged on my academic freedom. No, sir.

Mr. CLARDY. I think that is all I have.

(Representatives Francis E. Walter and James B. Frazier, Jr., left the hearing room.)

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. I have no questions.

Mr. VELDE. Mr. Moulder.

Mr. MOULDER. I have no further questions.

Mr. VELDE. Dr. Boorstin, you also have contributed greatly to the fund of knowledge that this committee has in turning to the activities of the Communist Party in England and the Communist Party of the United States; and the activities of the Soviet Government generally to overthrow our form of government.

I would like to thank you for coming before the committee and if you return to the University of Chicago, which happens to be in my home State, I am sure you will be able to give your students and pupils some of the same information which you have given to this committee so ably, and that you will be able to convince the students who are in your classes, and with whom you come in contact, that the Soviet Government is out to destroy our form of government.

Thank you kindly.

(Whereupon the witness was excused.)

Mr. TAVENNER. Dr. Wendell H. Furry.

Mr. VELDE. The committee will stand in recess for 5 minutes.

(Whereupon a recess was had.)

Mr. VELDE. The committee will be in order.

Mr. Counsel, who is the next witness, please?

(Representative Francis E. Walter returned to hearing room.)

Mr. TAVENNER. Dr. Wendell H. Furry, please.

Mr. VELDE. Will you stand to be sworn?

In the testimony you are about to give before this committee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FURRY. I do.

Mr. VELDE. Let the record show at this point that Mr. Kearney, Mr. Clardy, Mr. Scherer, Mr. Moulder, and the chairman are present—a full quorum—and also Mr. Walter is present.

### TESTIMONY OF WENDELL HINKLE FURRY, ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER

Mr. TAVENNER. What is your full name, please?

Mr. FURRY. Wendell Hinkle Furry.

Mr. TAVENNER. Will you spell both first and last names?

Mr. FURRY. W-e-n-d-e-l-l F-u-r-r-y.

Mr. TAVENNER. Are you represented or accompanied by counsel?

Mr. FURRY. I am, sir.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. FORER. Joseph Forer, 711 14th Street NW., Washington, D. C.

Mr. TAVENNER. When and where were you born, please, sir?

Mr. FURRY. On February 18, 1907, in Prairieton, Ind.

Mr. TAVENNER. What is your present occupation?

Mr. FURRY. Associate professor of physics at Harvard University.

Mr. TAVENNER. Would you state for the committee, please, what your educational training has been?

Mr. FURRY. Public schools and high school until 1924; Depauw University, Greencastle, Ind., 1924-28; University of Illinois, 1928-32; received a degree of doctor of philosophy in 1932; 2 years as National Research Council fellow at the University of California and California Institute of Technology ending in 1934.

Mr. TAVENNER. Would you state briefly what your record of employment has been since the completion of your formal education?

Mr. FURRY. Instructor of physics at Harvard University, 1934-37; assistant professor, 1937-40; associate professor, 1940 to present, except for 2 years' leave of absence during the war.

Mr. TAVENNER. What were the years when you were given a leave of absence?

Mr. FURRY. In the fall of 1943 to the fall of 1945.

Mr. TAVENNER. Were you a member of the Armed Forces during that period of time?

Mr. FURRY. I was not.

Mr. TAVENNER. Were you on any particular assignment or duty with the Government during that period of time?

Mr. FURRY. I was not employed by the Government.

Mr. TAVENNER. Were you under any assignment performing any services for the Government, whether employed by it or not?

Mr. FURRY. I was employed by the Massachusetts Institute of Technology as a research associate under a contract with the National Defense Research Committee.

Mr. TAVENNER. Where were your services performed?

Mr. FURRY. In the buildings of the Massachusetts Institute of Technology, in the so-called radiation laboratory.

Mr. TAVENNER. During that period did you have occasion to go to the west coast in connection with your official duties?

Mr. FURRY. I did not. My duties never took me to the west coast.

Mr. TAVENNER. Will you state, please, for the committee, what fraternal or professional organizations you are a member of?

Mr. FURRY. The Harvard Faculty Club; the American Physical Society; the American Association of Physics Teachers—I am afraid my dues are in arrears—the American Association for the Advancement of Science; the American Association of Scientific Workers—dues also in arrears, I believe; and at the moment I can't think of any others.

Mr. TAVENNER. How long have you been a member of the American Association of Scientific Workers?

Mr. FURRY. Well, I think up to the last year or two I have kept my dues paid up. Ever since the organization was formed in 1937 or 1938.

Mr. WALTER. Are you a member of the Teachers' Union?

Mr. FURRY. I was. That is now nonexistent at Harvard.

Mr. WALTER. During what period were you a member of the Teachers' Union?

Mr. FURRY. I believe I joined that in either 1937 or 1938, and I withdrew in a friendly way while I was at Massachusetts Institute of Technology during the war. I may have paid a year or two dues after I came back to Harvard after the war.

Mr. CLARDY. What year was that you said you withdrew?

Mr. FURRY. In 1943. I withdrew from both the Harvard Faculty Club and the Teachers' Union at Harvard when I was at MIT.

Mr. CLARDY. But you were at MIT at the time?

Mr. FURRY. Yes.

Mr. SCHERER. Would you mind telling us what the nature of your work was at MIT, Doctor?

Mr. FURRY. This was a radar laboratory. I was a member of the radar group which was supposed to work on the various theoretical

problems which came up in connection with electromagnetic phenomena used in radar. My particular work was practically entirely concerned with the propagation of radio waves in the atmosphere.

Mr. SCHERER. Did it have anything to do with the war effort or defense effort at that time?

Mr. FURRY. It was intended to. The problems were extremely difficult. We accomplished a good deal, but I don't believe anybody concerned with it would have said we arrived at a solution that was of complete practical usefulness at the time that our efforts ceased at the end of the war.

Mr. SCHERER. The conclusions you reached in that study—were they transmitted to the Government of the United States?

Mr. FURRY. Of course they were. They were also published in a book published by the McGraw-Hill Publishing Co. and sold for \$10.

Mr. TAVENNER. Will you describe to the committee, please, just what the course of your duties were while an instructor at Harvard when you began back, I believe, in 1934. You were an instructor, and what other duties did you have?

Mr. FURRY. I was instructor and tutor. This means that under the tutorial system which existed in Harvard at that time I held individual conferences with students on reading that was supposed to be outside their formal course work, but on the general subject of physics. This went on for 2 or 3 years.

I didn't derive very much satisfaction out of it. Like very many other people in the physical sciences in Harvard, I didn't find much satisfaction in this particular sort of thing. Either the poorer students got obviously nothing out of it, or the better students were so busy trying to make good grades in their courses that they found it only a difficulty to have this. The department eventually dropped this sort of thing.

Mr. TAVENNER. When did it drop that type of work?

Mr. FURRY. I don't exactly remember. Certainly it dropped it—first it cut it down, of course, and then by the time I got back after the war, it was gone, and nobody was sorry.

Mr. TAVENNER. Would you say that that system continued up until the time that you went to the Massachusetts Institute of Technology?

Mr. FURRY. I don't believe it did in our department.

Mr. TAVENNER. How close to the time when you went to the Massachusetts Institute of Technology did that continue?

Mr. FURRY. Well, sir, I honestly don't know. This could be, of course, established from Harvard University records.

Mr. TAVENNER. We want you to help us as far as you can.

Mr. FURRY. Yes. I would say that probably by 1938 or 1939 the thing was on its last legs in our department.

Mr. TAVENNER. After that time were you a counselor of any type to students?

Mr. FURRY. Well, everybody—almost everybody on the faculty has a number of students assigned to him with whom he consults on the choice of courses. This is called an adviser and this is the only function of the adviser—to discuss what the choice of courses to be taken by the student should be. This usually involves an interview in the fall and another interview during the time of the second half year about the choice of courses.

MR. TAVENNER. Did you serve as a counselor or adviser to students in any other capacity at any time prior to your going to the Massachusetts Institute of Technology?

MR. FURRY. I don't remember it, sir.

MR. TAVENNER. I would like to return now to this American Association of Scientific Workers. Did you ever hold an official position in that group?

MR. FURRY. I was treasurer of the Cambridge group during 1939-40, as I remember; and I was chairman of the executive committee, as it was called—the organization had no president in Cambridge—in 1940-41; and as I remember it, I was again chairman in 1948-49.

MR. TAVENNER. Describe a little more fully to us the organizational structure of the American Association of Scientific Workers.

MR. FURRY. Well, it was always a little bit weak in organizational structure, I suppose you would say. It was composed of a bunch of physicians, instructors, industrial-scientific workers, and so on, in the Boston area, who were interested in discussing various problems connected with the applications of science and their social implications.

These people paid dues of, I believe \$2.50 a year, when they got around to it, and the organization tried to organize public meetings to which everybody was invited, and have speakers on topics that were expected to be of general interest.

MR. TAVENNER. Was the Cambridge branch a local group of the national organization?

MR. FURRY. It was. I was never an officer of the national organization. I don't believe I ever attended a meeting of an international group of it. It was my impression always that the national organization was also rather weak in its organizational phase.

MR. TAVENNER. Do you recall whether a person by the name of Israel Halperin was a member of that organization?

MR. FURRY. He was one of the original members when it was formed in 1937-38. Sometime during that school year, probably. And he was treasurer of the organization until he left Harvard, after which I succeeded him as treasurer.

I should remark—it just occurred to me—during the time—sometime during or about the time that I was treasurer of the Boston-Cambridge group, or possibly during the time I was chairman of the executive committee for the first time in 1939, 1940, or 1941—sometime around there—I also served, I believe, for 1 year as treasurer of the national organization.

The national organization didn't amount to very much at the time. I don't remember attending any meetings of national officers, or anything. I did receive certain money and kept a record of it and sent it on to the next person who became national treasurer after me.

This is a little correction in my statement that I wasn't a national officer.

MR. TAVENNER. Then you attended national conventions of that organization?

MR. FURRY. No; I didn't.

MR. TAVENNER. You did not?

MR. FURRY. As treasurer I don't even remember meeting with the national officers. It is possible my memory is wrong, but I don't believe it is. I did, of course, from time to time, when present at meetings of the American Association for the Advancement of Science,

which holds large conventions every year—once or twice the American Association of Scientific Workers, which was and I believe still is an affiliated society of the American Association for the Advancement of Science—held public meetings during the time of the triple A-S conventions, and I attended some of those; but those were large, open affairs not confined to officers or even members.

Mr. TAVENNER. Well, Dr. Furry, we heard testimony here yesterday from a person who admitted that he was a member of the Communist Party cell composed exclusively of members of the faculty or the teachers at Harvard to the effect that Israel Halperin and others of the scientists within that group were requested by the Communist Party to join this organization which you have just been describing, that is, the Cambridge branch of the American Association of Scientific Workers. Do you know of any person who joined that organization other than Mr. Halperin, who was a member of the Communist Party?

Mr. FURRY. Is my answer to that intended to imply that Mr. Halperin was?

Mr. TAVENNER. No; I have specifically excluded Mr. Halperin from your answer by stating other than Mr. Halperin.

Mr. FURRY. I cannot remember any person whom I believe to have been instructed by the Communist Party to join that.

Mr. VELDE. Mr. Counsel, at this point I will have to leave and I will appoint Mr. Kearney as the chairman of the committee for the purposes of further proceedings.

(Representative Harold H. Velde left the hearing room at this point.)

(Representative Bernard W. Kearney assumed the chair.)

Mr. TAVENNER. Now, I don't believe I recall the answer. Will you please read it?

(The reporter read the answer as follows: "I cannot remember any person whom I believe to have been instructed by the Communist Party to join that.")

Mr. TAVENNER. Well, do you know whether or not any members of the Communist Party at Harvard did join that organization, that is, the Cambridge branch of the American Association of Scientific Workers?

Mr. FURRY. Sir, this question obviously tends to inquire into my beliefs in associations. I do not believe that this committee has or any congressional committee has the right to make such inquiry, or that in America there can be any governmental body that has a right to inquire—

Mr. KEARNEY (presiding). I am going to instruct the witness to answer the questions and not make a speech.

Mr. FURRY. Sir, on the grounds of my rights as a citizen under the first amendment, rights of free speech and assembly, and my rights and my privilege under the fifth amendment not to be a witness against myself, I decline to answer the question.

Mr. CLARDY. Do you know the answer to the question?

Mr. FURRY. I decline to answer that on the same grounds.

Mr. CLARDY. Do you have any knowledge whatsoever on the subject?

Mr. FURRY. I decline to answer that on the same grounds.

Mr. TAVENNER. Now, do you know whether or not Israel Halperin was a member of the Communist Party at Harvard?

Mr. FURRY. I decline to answer that on the grounds I have stated before.

Mr. TAVENNER. Mr. Furry, are you acquainted with—

Mr. KEARNEY. You mean the fifth amendment, on the grounds—

Mr. FURRY. I mean all of the grounds I stated before.

Mr. KEARNEY. And specifically relying on the fifth amendment—

Mr. FURRY. Including that.

Mr. KEARNEY. On the ground that it might incriminate you if you answer?

Mr. FURRY. It is sometimes referred to in that way.

Mr. CLARDY. That is the language of the amendment, isn't it, or are you familiar with it?

Mr. FURRY. I don't believe either the words the gentleman used or the words I used are the exact words of the amendment.

Mr. CLARDY. I guess you haven't read the same Constitution I have then.

Mr. KEARNEY. Proceed, Mr. Counsel.

Mr. TAVENNER. Dr. Furry, are you acquainted with the Royal Canadian Commission's report on Soviet espionage activities in that country and the trials of Allan Nunn May and others which were held there?

Mr. FURRY. I am familiar with the report. I have read a good deal of it. I am not very familiar with the trial of Dr. May, which I believe was held in England.

Mr. TAVENNER. What was your interest in those trials?

Mr. FURRY. I had a direct interest because Mr. Halperin, one of the defendants, was my wife's sister's husband.

Mr. TAVENNER. Did you engage in the solicitation of funds for his defense at Cambridge?

Mr. FURRY. Not very actively. I mentioned to some people that I believed to have been friends of his this difficulty, and funds were given by various people with the intention of helping out Mr. Halperin as a personal and professional friend for whom they had esteem and for helping out his family in this difficulty.

This was never referred to, to my knowledge, as a defense fund and no political implications were attached to contributions to it.

Mr. TAVENNER. Did you participate in any way in the raising of funds for any other of the defendants?

Mr. FURRY. I did not.

Mr. FORER. Excuse me. Would you mind asking what happened to Mr. Halperin's trial?

Mr. TAVENNER. I would be very glad to.

Mr. FORER. Thank you.

Mr. CLARDY. Counsel, may I interject?

The question was a little bit vague and so was the answer.

Did you personally contribute?

Mr. FURRY. Yes, to a certain extent.

Mr. TAVENNER. Did you serve on a committee composed of three members which was appointed for the purpose of studying those trials?

Mr. FURRY. I can't recall such a circumstance, sir. Maybe if you will ask a little more definitely I might know what you're asking about.

Mr. TAVENNER. Well, did you and other persons engage in a systematic study of the trials?

Mr. FURRY. It may have been that for the purpose of reporting to the American Association of Scientific Workers' Cambridge group. At a meeting this was a subject of public interest—a little different no doubt from most of the subjects, but still one of public interest on which we might hold a meeting. It may have been I agreed to participate in such a meeting and studied it for that purpose. I don't recall actually whether that happened or not.

Mr. TAVENNER. Who participated in that project with you?

Mr. FURRY. Well, I've already said I don't remember any such details. I studied this thing very carefully because of my own personal interest in the case; and if I were asked to make a speech on it, I was pretty well prepared without any special study for the speech.

Mr. WALTER. What was Halperin charged with, Doctor?

Mr. FURRY. With violation of the Official Secrets Act.

Mr. WALTER. What happened at his trial?

Mr. FURRY. His trial was delayed for nearly a year, always at the request of the Crown. When he was brought to trial, the judge—he had asked for a speedy trial without a jury, in order to secure a fast trial, which the Crown thwarted him in doing—the judge heard the Crown's case, which was not very extensive, retired to his chambers for awhile, called the court into session again and stated there was no need to hear a case for the defense, that he would find for acquittal immediately.

Mr. TAVENNER. And the case was, therefore, dropped without a trial?

Mr. FURRY. That is right. No—not without a trial. There had been a trial. The Crown's case had been presented, but it was dropped without—

Mr. KEARNEY. In other words, the Crown found for the defendant?

Mr. WALTER. Similar to our procedure of a directed verdict of not guilty?

Mr. FURRY. That is right.

Mr. TAVENNER. Do you know the cause of that?

Mr. FURRY. It has always been my belief, sir, that Mr. Halperin was entirely innocent.

Mr. TAVENNER. Were you advised by Mr. Halperin that the charges against him or that the case was decided as it was because Capt. Gordon Loonin, who was tried and sentenced for 5 years, refused to testify?

Mr. FURRY. Mr. Halperin did not advise me that was the reason. He never gave me any reason at all to think he was anything but completely innocent.

Mr. KEARNEY. Mr. Counsel—

Mr. FURRY. I was, of course, acquainted with this circumstance you refer to.

Mr. KEARNEY. Just a minute, Mr. Witness.

Mr. Counsel, what difference does it make if the defendant was found not guilty?

Mr. WALTER. Certainly. We are not trying him here, or are we?

Mr. KEARNEY. Proceed.

Mr. TAVENNER. Have you ever been a member of the Civil Rights Congress?



Mr. FURRY. I don't think I would be called a member of it exactly at any time. I did agree in a telephone conversation with some young lady to have my name appear as a sponsor at a meeting they held in Boston some years ago—the first sizable meeting they held, I believe. I saw the call to that meeting, the list of sponsors and attended part of one session of the meeting. I decided I did not want to be further associated with it and have not been.

Mr. TAVENNER. Were you at any time connected in any way with the Samuel Adams School, or lectured there?

Mr. FURRY. In the fall and winter of 1946, when public interest in atomic energy was very high and scientists were making speeches on the right and left, I was, too, although I had no official knowledge of the subject, just general background in physics. I was requested to give a course of, I believe, six talks or lectures in evenings at this school.

I did so.

Mr. TAVENNER. Did you become acquainted with Herbert Philbrick during that period of time when you were giving those lectures at the Samuel Adams School?

Mr. FURRY. I must decline to answer that question on the grounds I have stated before.

Mr. TAVENNER. Mr. Philbrick testified before the committee to the effect that the Samuel Adams School was created and controlled by the Communist Party and that, while there were a few non-Communist instructors on the faculty, the majority of the instructors were members of the Communist Party. Do you agree with that statement by Mr. Philbrick?

Mr. FURRY. Sir, my connection with the school and my knowledge from it—of it—was never extensive enough for me to be able to form an opinion on that. It was confined essentially to this one request—to give a series of talks that lasted—that occurred once a week for about 6 weeks.

Mr. TAVENNER. Were you affiliated at any time with American Youth for Democracy?

Mr. FURRY. I was not, sir.

Mr. TAVENNER. Were you adviser at any time to a group of that organization?

Mr. FURRY. I cannot recall that I ever was. If I was, it was simply a matter like my agreeing to sponsor the Civil Rights Congress meeting, which I do remember—namely, a matter of my being requested over the telephone or by somebody who came to my office, seemed like a nice fellow. I may have possibly given my name in a rather inactive way like that at some time. I can't remember.

Mr. TAVENNER. Were you acquainted with Prof. J. B. S. Haldane?

Mr. FURRY. I do not believe—I'm not acquainted with him.

Mr. TAVENNER. Editor of the London Worker?

Mr. FURRY. I'm not acquainted with him. I believe I have heard him talk on one occasion—that is, give a speech.

Mr. TAVENNER. Was that in this country or in England?

Mr. FURRY. It was in this country.

Mr. MOULDER. I don't recall whether Mr. Tavenner asked you whether or not you are not a member of the Communist Party.

Did you ask that?

Mr. TAVENNER. No; I have not.

Mr. MOULDER. Are you now a member of the Communist Party?

Mr. FURRY. I refuse to answer that on the grounds I have stated before.

Mr. KEARNEY. If you were not a member of the Communist Party, would you so state?

Mr. FURRY. Your question, sir?

Mr. KEARNEY. I say if you were not a member of the Communist Party, would you so state to this committee?

Mr. FURRY. I refuse to answer that on the grounds I have stated before.

Mr. CLARDY. If you were granted immunity, would you answer the question?

Mr. FURRY. It is my impression, sir, that the committee has no power to——

Mr. CLARDY. Answer the question, if you please. Don't lecture us. You can answer that "Yes" or "No" or stand on the ground you have indicated, if you wish.

Mr. FURRY. If I could be granted immunity sufficiently—sufficient immunity to remove my grounds for answering the question, I will answer it.

Mr. CLARDY. What are the grounds for asking for immunity then?

Mr. FURRY. I am not asking for immunity.

Mr. CLARDY. I say—what would be the grounds? You said if it was broad enough you would answer the question. Now, what is it you are afraid of, sir?

Mr. KEARNEY. You may confer with counsel on that question.

Mr. CLARDY. Surely.

Mr. FURRY. Beg pardon.

Mr. KEARNEY. You may confer with the counsel.

Mr. FURRY. Well, I must refuse to answer that on the grounds I have already stated.

Mr. CLARDY. In other words, you will not explain to us anything about whether you are under indictment, whether you are under apprehension of indictment or any of those things? Do I understand that to be the nature of your refusal, sir?

Mr. FURRY. Any person brought before an interrogation of this kind, no matter how innocent he may be, is likely to feel some apprehension. I think that's obvious.

Mr. CLARDY. Now, just come back to my question.

Mr. FURRY. I am refusing to answer the question on such grounds——

Mr. CLARDY. Are you at present——

Mr. FURRY. Beg pardon.

Mr. CLARDY. Are you at present under indictment anywhere?

Mr. FURRY. Not to my knowledge.

Mr. CLARDY. Are you under an investigation by any body, State or Federal, anywhere?

Mr. FURRY. I have been given no evidence that I am—that I——

Mr. CLARDY. Your apprehension is not based upon anything tangible, then, is it?

Mr. FURRY. I expect——

Mr. KEARNEY. The Chair will rule these questions are not fair and are improper.

Mr. CLARDY. Mr. Chairman, I am seeking to discover whether or not he has a frivolous ground upon which he is standing and, while I bow to the ruling of the Chair, I want to ask him one more.

Witness, have you ever belonged to any organization dedicated primarily to the upholding of the Constitution and our form of government? If so, tell us what it was.

Mr. KEARNEY. Proceed, Mr. Counsel.

Mr. WALTER. In your judgment, was the Teachers' Union dedicated to perpetuation of the system of our Republic?

Mr. FURRY. The Teachers' Union was dedicated to the study of problems and there were very real problems—they were recognized both among the staff and among the administration of Harvard—problems concerned with the tenure, the promotion, the various circumstances of work of the teachers at Harvard.

Mr. WALTER. Is that the extent of your discussion in the field you have just mentioned?

Mr. FURRY. Well, of course, the Teachers' Union was an organization that held meetings during times in all sorts—when all sorts of political affairs were taking place. These came into discussion several times. There could be no question of that. They would in any organization.

Mr. WALTER. So that the Teachers' Union did discuss things other than the welfare of teachers?

Mr. FURRY. Of course, but that was its basic——

Mr. WALTER. That was its basic——

Mr. FURRY. Purpose.

Mr. WALTER. But actually the discussions at the meetings of the Teachers' Union invariably were on things political; is that right?

Mr. FURRY. By no means invariably, sir; occasionally.

Mr. WALTER. Occasionally.

Mr. KEARNEY. Are you aware that the caucuses held by the Communist Party members of the Teachers' Union were designed to control its activity?

Mr. FURRY. I must refuse to answer that question on the grounds that I have stated before.

Mr. TAVENNER. Have you traveled in any foreign countries?

Mr. FURRY. Yes.

Mr. TAVENNER. Will you state when and where?

Mr. FURRY. Do you mean Europe or also Canada and Mexico?

Mr. TAVENNER. No, we'll eliminate Canada—no; we will not. When were you in Canada?

Mr. FURRY. Well, I have been in Canada a number of times to visit the Halperin family, and also probably little sightseeing trips to Niagara Falls and things like that.

Mr. TAVENNER. Where did Mr. Halperin live at the time you visited him in Canada?

Mr. FURRY. In Kingston, Ontario.

Mr. TAVENNER. Was that prior to the trials that we were speaking of?

Mr. FURRY. My father-in-law and I visited the Halperin family in the fall of 1946 while the Crown was still securing postponements of his trial. Since that time almost every summer my family has visited with his family for a short time.

Mr. TAVENNER. Well, my question was whether or not you visited there prior to the trials?

Mr. FURRY. I visited along with my father-in-law, but no others of my family. We visited the Halperin family in Kingston once in the fall of 1946 when he was under indictment but had not come to trial.

Mr. TAVENNER. And prior to that you had not visited him?

Mr. FURRY. No; I had not been in Canada for the purpose of visiting him before.

Mr. TAVENNER. Well, had you visited him before?

Mr. FURRY. I don't think you would say I visited him. In 1942, before he entered the Canadian Army, he and his wife and my wife and I visited my father-in-law's place simultaneously in the United States.

Mr. TAVENNER. But my question related to Canada.

Mr. FURRY. That's right.

Mr. TAVENNER. Well, did you visit in his home in Canada prior to his indictment in the Canadian——

Mr. FURRY. No.

Mr. TAVENNER. Case?

Mr. FURRY. I did not.

Mr. TAVENNER. What European countries did you visit, and when?

Mr. FURRY. I made two trips to Europe in 1938 and 1950. In 1938 I visited Scotland, Norway, Sweden, Finland, the U. S. S. R., Denmark, England, and France.

In 1950 I lived for 5 months at Denmark and visited in Sweden for a few days.

Mr. TAVENNER. Did you meet Prof. J. B. S. Haldane on either of those trips?

Mr. FURRY. Not to my knowledge, sir. In my 1938 trip I attended a meeting of the British Association for the Advancement of Science in Cambridge, England. It is just possible I was given an introduction to Mr. Haldane at the meeting. If so, I don't remember.

(Representative Morgan M. Moulder left the hearing room at this point.)

Mr. TAVENNER. Was your trip to Europe in 1950 the result of being awarded a grant by any foundation?

Mr. FURRY. Yes; the John Simon Guggenheim Memorial Foundation awarded me a grant about sufficient to cover travel expenses for my family.

Mr. TAVENNER. When was that grant awarded you?

Mr. FURRY. At the time all other grants for that year were announced; in April or May of 1949.

Mr. TAVENNER. Will you describe to the committee the steps that were necessary to be taken in connection with the awarding of a grant of that character?

(Representative Morgan M. Moulder reentered the hearing room at this point.)

Mr. FURRY. In the fall of 1949 a colleague of mine received a request from the Guggenheim Foundation that he inform them of people who might be suitable people to be awarded grants.

I have since received these requests myself, being now a past fellow of the foundation.

He asked around among his acquaintances at Harvard as to who might be interested and I told him that I might be. He then gave my name to the foundation. They sent me various documents to fill out indicating what I wanted to do, what my education was, so on; asked me also for the names of two or three people acquainted with my scientific work and attainments from whom they could secure reports about me, and I sent all of this material back to them.

Then, some time early in 1950 I received a request for an estimate of expenses. I was a little at sea as to just how to make this out, but I did make out an estimate of the expenses showing about what I supposed it would be and I sent it back to them.

Then, some time in April, I believe it was, they sent me a confidential letter saying I was appointed, but this was not to be released to the press until such-and-such a date. So, I was just to send them back my acceptance and say nothing. Then, of course, when the date came they gave the whole list to the papers.

Mr. TAVENNER. Who was the person who recommended you for that appointment or for that award?

Mr. FURRY. Prof. J. H. Van—well, I wouldn't say recommended. You mean the person who first gave my name?

Mr. TAVENNER. Yes.

Mr. FURRY. Or the first person who recommended—

Mr. TAVENNER. The first person—

Mr. FURRY. The first person who gave my name was Prof. J. H. Van Black of Harvard University.

Mr. TAVENNER. When you were awarded that grant, were you asked the question as to whether or not you were a member of the Communist Party at that time or at any time prior to that time?

Mr. FURRY. If I was, I certainly do not remember it. It is my belief that there was no such question.

Mr. TAVENNER. If you had been asked that question, what would your answer have been?

Mr. FURRY. Sir, this is rather obvious—

Mr. TAVENNER. Yes.

Mr. FURRY. A rather obvious question. I will refuse to answer it on the grounds I have stated before.

Mr. CLARDY. Was that long ago enough to have had the statute run against anything about which you may be apprehensive?

Mr. FURRY. I don't know about these statutes and things.

Mr. CLARDY. Does your lawyer know?

Mr. FURRY. I am not a lawyer.

Mr. FORER. Are you asking—

Mr. CLARDY. I am asking—

Mr. FORER. Would you mind saying what he is to ask what does his lawyer know?

Mr. CLARDY. I just asked him if his attorney knew anything about the statute of limitations so you can advise him properly.

Mr. FORER. I would be glad to tell you—

Mr. CLARDY. No; I don't want you to tell me. Tell the witness.

Mr. FURRY. My attorney tells me to tell you he considers himself well informed on the subject.

Mr. CLARDY. Did he advise on this as to whether the statute had run in this case, causing your apprehension, if any?

Mr. FURRY. I believe that the relation between attorney and client is privileged.

Mr. CLARDY. That's enough.

Mr. TAVENNER. What was the amount of the grant which was awarded you?

Mr. FURRY. \$2,000.

Mr. TAVENNER. According to the Daily Worker of February 4, 1939, you were one of the signers of an appeal to lift the Spanish embargo. Will you explain to the committee what interest you had in this campaign and how you were approached for your support in this matter—

Mr. FURRY. Sir, I—

Mr. TAVENNER. If you did support it?

Mr. FURRY. I certainly cannot remember this individual case or how I was—or how I may have been approached to give my signature on this particular occasion. I was vitally concerned about the defense of the Spanish Republic. I certainly was willing to give my support to anything that I thought might help it. And I still regard it as a tragedy of history that the Spanish Republic was not successfully defended.

Mr. TAVENNER. Are you as interested in fighting fascism today as you were then?

Mr. FURRY. So far as there is any; yes.

Mr. TAVENNER. Well, do you not think the Soviet Union is now engaged in the same type of fight, exactly, in connection with the anti-Semitic campaign in which it is engaged; and, if so, do you oppose that?

Mr. FURRY. Sir, I have not been able to assure myself of just what there is behind these stories of anti-Semitism in the Soviet Union. If there is anti-Semitism or fascism there I would oppose it; but I am not sure on this point.

Mr. CLARDY. It isn't to you at all?

Mr. FURRY. It is not obvious to me.

Mr. TAVENNER. Were you a member of the National Federation of Constitutional Liberties at any time?

Mr. FURRY. I used to receive an awful lot of their literature through the mail, sir, and it is possible I made a contribution to them at some time or another. Whether I was ever called a member—that is, whether I ever filled out a little blank that said I was becoming a contributing member in return for which I would receive their bulletin or something, I simply don't remember.

Mr. TAVENNER. The Worker of July 19, 1942, contained a reproduction of the letter to the President of the United States, dated June 10, 1942, protesting the ordered deportation issued against ILWU Leader Harry Bridges. Among the names listed as signers of this letter is that of Prof. Wendell H. Furry of Harvard University. Will you explain to the committee how you were approached on this matter and whether or not you actually signed the petition?

Mr. FURRY. Sir, again my memory simply does not cover this specific case or how I was approached on it. I can remember, however, that I opposed the deportation of Mr. Bridges, that I gave my name to a committee that was opposing it some time about this time.

Mr. TAVENNER. The Daily Worker of March 19, 1942, lists you as one of 38 prominent Massachusetts educators who protested the 4-year

sentence of Earl Browder for fraudulently executing an application for passport. Do you recall that?

Let me hand you a photostatic copy of the issue referred to and ask you if that refreshes your recollection.

Will you point it out to him?

Mr. FORER. It is down here.

Mr. FURRY. I was just getting a general look of the thing.

I can't remember that I ever saw that report. I can't remember that I—I can't remember this particular instance, but I remember that I certainly opposed the heavy sentence to Earl Browder and that I was willing to give my name to statements opposing it.

Mr. CLARDY. Well, were you reading the Daily Worker at about that time?

Mr. FURRY. I can't remember. I have read the Daily Worker. I believe I probably wasn't reading it much about that time.

Mr. WALTER. What was Browder sentenced for in that case, on that occasion?

Mr. FURRY. He was sentenced, I believe, for some—what I thought was a minor slip for false statement on his passport.

Mr. KEARNEY. Minor slip?

Mr. FURRY. As I remember it, he had been guilty without question, in previous years of holding passports falsely obtained and under false names.

Mr. KEARNEY. You don't call that a minor slip, do you?

Mr. FURRY. No; I don't call that a minor slip. He would have been guilty in the early 1920's of that, and these were the only passports he had ever had.

Mr. KEARNEY. In other words—

Mr. FURRY. When he was applying for a passport again, he used the word "none" in referring to previous passports, indicating that—

Mr. KEARNEY. In other words, he—

Mr. FURRY. Indicating that—

Mr. KEARNEY. In other words, indicating he hadn't been caught up for his previous perjuries?

Mr. FURRY. That is right; not caught up before.

Mr. KEARNEY. That is a minor slip?

Mr. FURRY. That is a minor slip.

Mr. CLARDY. You think the statute of limitations had run against that?

Mr. FURRY. The statute of limitations had run and this was a pretext to get around it.

Mr. WALTER. If the statute of limitations could run, he certainly could not have been prosecuted. You know better than that.

Mr. CLARDY. He didn't consult with his attorney before he answered that one.

Mr. KEARNEY. You knew that Browder was at one time the head of the Communist Party in this country?

Mr. FURRY. Yes; I was aware of that. I didn't believe that justified a heavy sentence for something that probably would have brought a much lighter sentence against someone else.

Mr. TAVENNER. Did you play any part in the solicitation of signatures to that petition?

Mr. FURRY. Well—

Mr. TAVENNER. Or that protest?

Mr. FURRY. If any part, it must have been pretty minor. I may have secured a few signatures. It's possible I secured a few among my colleagues. I don't remember.

Mr. TAVENNER. Dr. Furry, according to a photostatic copy of a program, the Joint Anti-Fascist Refugee Committee sponsored a national reception for Mme. Irene Joliot-Curie and you are listed as a member of the reception committee. How was it that your services were procured by the Joint Anti-Fascist Refugee Committee on that project?

Mr. FURRY. Could you tell me the date of that, sir? I am just curious.

Mr. TAVENNER. Yes, sir.

Mr. FURRY. Will you let me see it?

Mr. TAVENNER. March the 31st, 1948, is the notation that is made on the photostatic copy of the document.

Mr. FURRY. Well, sir, I'm very sorry that I am not able to remember all these details that—

Mr. TAVENNER. Well, does the document—

Mr. FURRY. You asked me about.

Mr. TAVENNER. Refresh your recollection.

Mr. FURRY. It certainly doesn't refresh my recollection as to how I may have or to whom I may have given this. It may have been over the telephone. I may have been personally approached. I simply don't remember.

However, Madame Curie's reputation and that of the other people who were sponsoring her in this country, some of whose names appear at the head of this thing, was so high—I had known, of course, of her reputation for 15 years or more; I regarded this as a chance to sponsor the appearance in America of a very distinguished scientist, the winner of the Nobel prize.

Mr. TAVENNER. Yes, but you knew what the Joint Anti-Fascist Refugee Committee was, didn't you?

Mr. FURRY. I certainly did. It was trying to take care of people who had fought for Republican Spain and I was for it.

Mr. TAVENNER. And you know now it was cited as a Communist-front organization by the Attorney General, do you not?

Mr. FURRY. I am aware of that, sir.

Mr. TAVENNER. How was your sponsorship of that enterprise obtained?

Mr. FURRY. Sir, I've told you that I do not remember. It is altogether likely that one of the other sponsors at Harvard—there are several on this list—asked me whether I would also sponsor.

On the other hand, it's quite possible that some young woman asked me, or something like that. It may have been over the telephone. I simply do not remember.

Mr. TAVENNER. For your information, Doctor, the Joint Anti-Fascist Refugee Committee was cited as subversive and Communist by Attorney General Tom Clark as early as December 4, 1947, and your action came in March 1948.

Mr. FURRY. Sir, I have never recognized the right of the Attorney General to dictate to me in any such matter.

The only things I have seen from this committee have been appeals to give money, to help people who were suffering, who had fought



for Loyalist Spain, and I was for Loyalist Spain and I don't care who knows it——

Mr. TAVENNER. And you——

Mr. FURRY. And an organization whose only visible activity was to help these survivors who fought for Loyalist Spain and helping their families is all right to me, as far as I know.

Mr. TAVENNER. And it makes no difference to you that the organization was a Communist-front organization, an organization formed for the purposes of the Communist Party?

Mr. FURRY. Sir, I will say that I don't know about that. All I know is that it's the putting of things like this on this list that makes me dubious about the list.

Mr. TAVENNER. Well, now, actually the Joint Anti-Fascist Refugee Committee was not helping Loyalist Spain in 1948, was it?

Mr. FURRY. Beg pardon.

Mr. TAVENNER. I said—as late as March 1948, the Joint Anti-Fascist Refugee Committee was not assisting Loyalist Spain, was it?

Mr. FURRY. Well, sir, I haven't been to France to see these people. I haven't been in France since 1938, but it's my impression that a good many survivors of the Spanish Republican Army who fled into France are still there and need relief. This has been the basis for any contribution from me.

I might also mention my attorney has pointed out to me that the Supreme Court reversed or somehow revoked that listing as subversive of this committee.

Mr. WALTER. Doctor, I would like to know why you were so deeply interested in trying to do something about the sentence imposed on Earl Browder. He was no intellectual, professor, or the kind of man you would ordinarily associate with. What was your great interest in him?

Mr. FURRY. Well, I received appeals and statements and so on, and I paid some attention to them.

Mr. WALTER. Appeals from whom?

Mr. FURRY. From committees who were organized to try to do something about this heavy sentence.

Mr. WALTER. Why would you be willing to do something for Earl Browder?

Mr. FURRY. Well, this was in 1941 or '42, sir.

Mr. WALTER. That doesn't make any difference when it was. There are hundreds of people being deported right along. Have you ever busied yourself in behalf of any of these people sentenced for perjury in connection with the applications for passports?

Mr. FURRY. Well, it was certainly my impression that the—from the information that was sent to me on the case that he had received an exceptionally heavy sentence.

Mr. WALTER. Well, assuming that he did, what business was it of yours or why were you interested in that particular individual?

Mr. FURRY. Well, somebody took the trouble to interest me, you see. I mean, I was sent these things.

Mr. WALTER. Is the fact you were interested in him because he was the leading Communist in the United States? Wasn't that your real interest?

Mr. FURRY. Sir, my real interest is that I thought he was being punished for his political views with this heavy sentence.

Mr. KEARNEY. The committee will recess until 2 o'clock.

(Thereupon, at 11:50 a. m. the hearing was recessed, to reconvene at 2 p. m. the same day.)

#### AFTERNOON SESSION

(At the hour of 2:05 p. m. of the same day, the proceedings were resumed, Representatives Bernard W. (Pat) Kearney (presiding), Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Francis E. Walter, Clyde Doyle, and James B. Frazier being present.)

Mr. KEARNEY. Let the record show that the following members of the committee are present: Kearney, Jackson, Clardy, Scherer, Walter, Doyle, and Frazier.

The committee will be in order. Proceed, Mr. Counsel.

#### TESTIMONY OF WENDELL HINKLE FURRY, ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER—Resumed

Mr. TAVENNER. Dr. Furry, you stated in your testimony this morning that you were called upon by the Guggenheim Foundation to make suggestions as to persons who would be proper persons to receive the award of the type that you received.

How many such recommendations did you make?

Mr. FURRY. Actually I haven't been able to think of any yet. Some of the other people at Harvard are also called on and they usually do a pretty good job of covering the ground, I assume. I didn't happen to know of anybody to recommend. I have not recommended anybody.

Mr. TAVENNER. You have not recommended anyone? The Daily Worker of November 22, 1948, contains the names of 20 of the New England educators and leaders in other professions who protested the indictment of the 12 Communist leaders and demanded the abandonment of their prosecution. Will you examine the photostatic copies of the list now and state whether or not you see listed there the name of Prof. Wendell H. Furry of Harvard?

Mr. FURRY. Yes. I see it here.

Mr. TAVENNER. Did you sign the petition?

Mr. FURRY. I must have. I don't believe they would use my name falsely.

Mr. WALTER. Did you? Not that you must have; did you?

Mr. FURRY. I have no memory of doing it, but I assume I did.

Mr. WALTER. Are you the Wendell Furry that participated in that move to try to prevent the prosecution of these 12 Communist leaders?

Mr. FURRY. I presume that I signed this appeal against it. My name is here. I don't remember any precise circumstances, but—

Mr. KEARNEY. That was your same answer, Professor, as to the other exhibits that were shown you this morning, that you don't remember?

Mr. FURRY. That's right. I mean, I signed a number of these things which you are seeing, and sometimes I have been asked to by a colleague or an acquaintance. Sometimes someone has called me over the phone and said that this would be a good idea and perhaps naming

some prominent person who has already signed, and I have given my consent.

Mr. WALTER. Do you have any idea why on so many occasions you were asked to participate in matters of this sort?

Mr. FURRY. Probably because I did on some of the earlier occasions.

Mr. CLARDY. Did you ever trouble to investigate any of them before you signed?

Mr. FURRY. Well, I have mentioned this case to the Civil Rights Congress. That is not exactly a case of investigating before I signed, but after I had agreed to be a sponsor of their first conference at Boston I saw their literature that they got out for their conference and I saw who the other sponsors were, and I attended part of the meeting and decided I would have nothing further to do with it, and I didn't.

Mr. WALTER. Who are the other sponsors whose presence on the committee made you feel you didn't want to participate?

Mr. FURRY. Well, a good many of them I didn't know, but they were known leaders of the Communist Party, or a considerable number.

Mr. WALTER. That didn't deter you from acting on behalf of Earl Browder, the head of the Communist Party, did it?

Mr. FURRY. It is quite a different matter. If you feel a person is being persecuted for his political views, or that his prosecution, I should say, has been carried on more emphatically, and a larger sentence has been secured than is usual in such cases for the offense in question, because of his political views; or if you feel people are being prosecuted for their opinions and you happen to have a strong belief that such prosecution for opinion is not right under our Government—

Mr. WALTER. You knew that Earl Browder committed perjury, didn't you?

Mr. FURRY. I knew he was accused of making a wrong answer on a passport.

Mr. WALTER. You knew he did make a wrong passport application?

Mr. FURRY. I knew he was supposed to answer with the word "none" when he was supposed to answer about previous passports, and since he had never had a previous passport issued under his own name—

Mr. WALTER. He had had many.

Mr. FURRY. Not under his own name.

Mr. WALTER. Of course not under his own name. That was the perjury. So in effect he was not a person entitled to consideration. He was a kind of defendant who repeats the same crime over and over and over again. So why should he have gotten a lenient sentence or received any leniency?

Mr. FURRY. His other offenses were covered by the statute.

Mr. KEARNEY. Professor, do you still believe that Earl Browder was prosecuted because of his political beliefs, or that he was prosecuted because he committed perjury?

Mr. FURRY. I believe he was prosecuted because there was a chance to find grounds to prosecute him, and it was sought for carefully because of his political beliefs.

Mr. KEARNEY. I don't know whether that answers my question or not. Do you believe he was prosecuted because of his political beliefs or because the Government had a case of perjury against him?

Mr. FURRY. He was prosecuted because there was a case and the prosecution was carried forward vigorously, and a specially heavy sentence was secured, in my opinion, because of his political beliefs.

Now I was starting to answer the gentleman that in these cases, protesting these prosecutions, or asking for clemency, is quite a different matter from wanting to be associated with these same people in a public committee as in the case of this one we were mentioning.

Mr. CLARDY. Is that the only one from which you withdrew?

Mr. FURRY. That is the only one that I can remember that I dropped out of under those circumstances. However, right after that one I sort of said to myself that I had better be careful about those phone calls, and so on.

Mr. KEARNEY. But, Professor, I understand also that you protested against the conviction and punishment of the 11 Communists who were on trial in New York.

Mr. FURRY. I can't remember making any protest after the conviction. I believe this protest was when they were first brought to trial in what seemed to me to be a trial of their opinions. I protested against that.

Mr. KEARNEY. Do you think they received too heavy a sentence at the hands of the courts?

Mr. FURRY. No; I don't believe that sentence was too heavy if they were guilty of the actual type of offense that was charged. However, I am in grave disquiet about whether such a conviction was actually justified on the sort of basis that so far as I read in the papers was available.

Mr. KEARNEY. Do you have any knowledge of that case outside of what you read in the newspapers?

Mr. FURRY. No, sir. I haven't. Of course, I received newspaper clippings or reprints, and so on, from a committee interested in defending them. That is obvious.

Mr. KEARNEY. Assuming your opinion is based solely on what you read in the newspapers, can you arrive at any other conclusion than that they were justifiably convicted?

Mr. FURRY. Well, the judge ruled on points of law and instructed the jury. I am not a lawyer, and I have no basis for criticizing his legal procedure. I simply feel myself that it was too much a question of opinion; that if the law does permit conviction when it is that much of a question of opinion, then I would be in favor of changing the law.

Mr. WALTER. And you don't think a man ought to be convicted of any offense if he participates in a conspiracy to overthrow the Government of the United States by force or violence?

Mr. FURRY. I certainly do think he should be convicted of an offense. I was not convinced from what I read of the case—in my mind, and of course I was not on the jury and didn't hear everything—in my mind from what I saw of it I was not convinced that it got that far.

Mr. WALTER. How many defendants do you know?

Mr. FURRY. I think I had better refuse to answer that question on the grounds I have given before.

Mr. WALTER. You don't have to. You can refuse.

Mr. FURRY. I do refuse to answer it on that basis.

Mr. JACKSON. Professor Furry, your intercession on behalf of Mr. Browder and the likely intercession on behalf of the 12 Communists

sprang from your feeling, as I understand it, that this was political persecution?

Mr. FURRY. Yes, sir.

Mr. JACKSON. Infringement of their freedom of speech and their freedom of thought?

Mr. FURRY. Yes.

Mr. JACKSON. Did you at any time intercede on behalf of, let us say, Pelley,<sup>3</sup> who was head of the Silver Shirts?

Mr. JACKSON. Did you ever hear of Fritz Kuhn, who was head of the German-American Bund in this country?

Mr. FURRY. Yes. I heard of him. Nobody ever asked me to do anything for him.

Mr. JACKSON. Would you have so interceded had you been asked?

Mr. FURRY. I doubt it.

Mr. JACKSON. Would you have interceded on behalf of one Gerald L. K. Smith?

Mr. FURRY. I don't think I would have.

Mr. JACKSON. Is the matter of freedom of speech academically as much concerned in these instances as in the Browder case?

Mr. FURRY. Sir, we were at war with Germany during a good deal of this period. I am not aware of the exact dates. I am certainly never going to intervene or intercede on behalf of anyone who, with any color of justification, is being accused of being on the side of the enemy when my country is at war.

Mr. JACKSON. Were you ever a member of the German-American Bund?

Mr. FURRY. No, sir.

Mr. JACKSON. Were you a member of the Silver Shirts?

Mr. FURRY. No, sir.

Mr. JACKSON. Were you a member of the Communist Party?

Mr. FURRY. I refuse to answer that on the grounds I have stated before.

Mr. CLARDY. Have you gone to bat for the Rosenbergs?

Mr. FURRY. No, sir. I have not.

Mr. KEARNEY. Proceed, Mr. Counsel.

Mr. TAVENNER. Dr. Furry, have you on any other occasion joined in a protest against the indictment of individuals in the Federal court?

Mr. FURRY. Well, sir, possibly there may be cases, but I can't think of any at this time. You have in fact reminded me of more cases than I had realized existed, so maybe you can remind me of more. I can't think of any myself.

Mr. TAVENNER. If you cannot think of any other case except this one, why is it you can't remember the circumstances surrounding this one? Certainly in one instance where that was done it should stand out as a milestone in your memory.

Mr. FURRY. But there are two cases you have mentioned here.

Mr. TAVENNER. No. I have only mentioned 1 case in which you entered into a protest against the indictment of 12 Communist leaders.

Mr. FURRY. Well, this sort of case, Mr. Tavenner, has not seemed to me, so far as the circumstances of my agreeing to give my name, to be outstandingly different from a number of the other things you

<sup>3</sup> William Dudley Pelley.

mentioned this morning in which my name was used, and there have been quite a few of them.

Mr. TAVENNER. That is not an answer to my question.

Mr. FURRY. That is all I can say. It does not stand out as different from those cases which may have distinguishing features.

Mr. TAVENNER. Let me ask you about another situation. I find in looking at the decision of the United States Court of Appeals for the Second Circuit in the case of Eugene Dennis and others, that is, the case of the United States against Eugene Dennis and others, which is the case in which the 12 Communists were involved, that it is stated in the course of the opinion that the defendants challenged the array; and the trial of that issue extended from January 20 to March 1, 1949. In other words, the defendants in that case challenged the jurors and the method of selection of the jurors to try that case. That issue was being tried between the 20th day of January and the 1st day of March 1949.

Now, when we look at the Daily Worker of February 17, 1949, there seems to be an article which was timed perfectly for the influence that it might have upon that decision, or the decision that was to be reached in that issue, in which you are listed as one of 47 notables in the Bay State to hit jury rigging.

I ask you if you signed that protest, and I hand you, to refresh your recollection, a photostatic copy of the Daily Worker of February 17, 1949, and ask you to examine it.

Mr. FURRY. I suppose I must have signed it. My name is here.

Mr. TAVENNER. What was your purpose in joining in a protest of that kind while the issue was being tried by the Federal court? Wasn't it your desire to influence the court in behalf of the Communists who were then on trial?

(The witness consults with his attorney.)

Mr. WALTER. Mr. Tavenner, you are not seriously intimating that anyone is ever influenced by what is written in the Daily Worker, are you?

Mr. TAVENNER. I am trying to show that there is a serious effort made to influence people, though not with success, in doing it.

Mr. FURRY. Well, I am not an expert on the jury system in New York, Mr. Tavenner, but I judge that this was brought up to my attention as a case in which the blue ribbon jury system, that is, selecting the jury from among only certain groups of the population, was being used; or was proposed to be used. Now, I have seen that referred to in a number of different connections in cases at one time or another, and I must say that I don't particularly approve of it and never have.

I don't remember how I was asked to join this protest, and I certainly don't want to interfere with the independence of the judiciary. It is my impression this was addressed to a judge that is not the judge of the trial. That is what I gather from looking at this article, and was asking him to make some investigation or some inquiry into the suitability of this procedure in this case.

Mr. TAVENNER. Who solicited your assistance in that?

Mr. FURRY. Probably—it must have been the same way as my assistance was solicited in other cases. Quite possibly a telephone call naming 2 or 3, and possibly more, other signers, picking promi-

nent ones and picking people I would probably know, or know of, and asking me if I would go along.

Mr. KEARNEY. A telephone call from whom?

Mr. FURRY. Probably an unidentified person saying, "I am calling for so-and-so," and giving one of the names.

Mr. KEARNEY. And you would respond to the call of an unidentified person?

Mr. FURRY. I have decreased the frequency with which I do that, Mr. Kearney, and I think essentially eliminated it during the last 2 or 3 years.

Mr. KEARNEY. I think after the exhibits that have been shown here that you should.

Mr. FURRY. Your point is perhaps well taken.

Mr. KEARNEY. Were any of these calls from officials of the Communist Party?

Mr. FURRY. Not to my knowledge.

Mr. KEARNEY. You said they were from unidentified persons.

Mr. TAVENNER. You previously stated you withdrew from the Civil Rights Congress, as I understood you?

Mr. FURRY. I didn't say withdraw. What happened was simply that I didn't accept when I was asked to do something more. And so my name didn't appear any further and I believe I was only asked once more to do anything. When I didn't do it, that was that.

Mr. TAVENNER. It appears you did something more, according to this article, because it says that this announcement was made by the Civil Rights Congress on the filing of this protest.

Mr. FURRY. Yes. I believe I noted that in that, but that is no guaranty whatever that the Civil Rights Congress was named when I was asked about it. It is very likely, in my opinion, that only someone or other of the prominent individuals named there was named.

Mr. TAVENNER. You remember sufficiently in detail to recall it was not the Civil Rights Congress, but you are unable to recall any other details about the transaction?

Mr. FURRY. That is simply because actually, although I can't guarantee that the Civil Rights Congress wasn't mentioned, I think it was very unlikely that it was, because as a matter of fact I was a bit on my guard. I think I would not have been likely to do it if the Civil Rights Congress had been mentioned to me.

Mr. TAVENNER. Are you acquainted with a person by the name of Emanuel Blum—B-l-u-m?

Mr. FURRY. I must refuse to answer that question on the grounds previously stated.

Mr. KEARNEY. Counsel, I would like for a second to refer back to the trial of the Communists in the city of New York.

There was some answer made by the witness as to his declination to answer knowing any of these defendants. Was I correct in that assumption?

Mr. FURRY. Knowing any of them personally. I refuse to answer that question.

Mr. KEARNEY. I am going to ask you then, do you know an individual by the name of Eugene Dennis?

Mr. FURRY. I refuse to answer that question.

Mr. KEARNEY. Do you know an individual by the name of John B. Williamson?

Mr. FURRY. I refuse to answer that question.

Mr. KEARNEY. Do you know an individual by the name of Jacob Stachel?

(The witness consults with his attorney.)

Mr. KEARNEY. If there are any of these you don't know I suggest you so answer. What is your answer to that?

Mr. FURRY. My answer is no, I don't know.

Mr. KEARNEY. You don't know him?

Mr. FURRY. No.

Mr. KEARNEY. Do you know an individual named Robert G. Thompson?

Mr. FURRY. No.

Mr. KEARNEY. Do you know an individual named Benjamin J. Davis, Jr.?

Mr. FURRY. No.

Mr. KEARNEY. Do you know an individual named Harry Winston?

Mr. FURRY. No.

Mr. KEARNEY. Do you know an individual named John Gates?

Mr. FURRY. No.

Mr. KEARNEY. Do you know an individual named Irving Potash?

Mr. FURRY. No.

Mr. KEARNEY. Do you know an individual named Gilbert Green?

Mr. FURRY. I must refuse to answer that question on the grounds previously stated.

Mr. KEARNEY. Do you know an individual named Carl Winter?

Mr. FURRY. No.

Mr. KEARNEY. Do you know an individual named Gus Hall?

Mr. FURRY. No.

Mr. KEARNEY. So that that committee can safely understand from your answers that there are eight, as I remember, of those names that I mentioned, that you do not know, and on the others you decline to answer on the grounds that it might incriminate you?

Mr. FURRY. That is right, sir.

Mr. TAVENNER. The Daily Worker of Tuesday, June 7, 1949, contains an article datelined Boston, to the effect that many Massachusetts leaders called upon Judge Medina to release Communists Gates, Winston, and Hall from prison, and to drop the contempt citation against Gates. Among the signers is the name of Prof. Wendell H. Furry of Harvard.

Did you sign this protest?

Mr. FURRY. Do you wish to show me that?

Mr. TAVENNER. I hand you a photostatic copy of the issue of the Daily Worker of June 7, 1949, which you may examine to refresh your recollection.

Mr. FURRY. Well, it seems, sir, that in some respects you know more about me than I know about myself.

Mr. WALTER. We know more about you than you think we do.

Mr. CLARDY. Or are willing to admit.

Mr. FURRY. Or that I can remember, sir. I wouldn't want to assert the gentleman named here as the initiator of this petition would have used my name without my authorization, so I think it is fair to assume that I authorized it.



Mr. CLARDY. Were you in sympathy with the objectives stated? In other words, is that the reason why you conclude that you probably did sign it?

Mr. FURRY. This is a matter of releasing from a sort of subsidiary punishment, as I understand it, incurred in connection with the way they pressed their cases to trial. Is that right?

(The witness consults with his attorney.)

Mr. FURRY. Why, yes, sir. As I remember it, you were asking me whether I must have felt some sentiment favorable to this petition asking that these people be released and the contempt charges dropped. I think that is a fair statement. That is, these people were on trial under criminal charges and they were going to be imprisoned if they were found guilty.

I probably did favor dropping this subsidiary imprisonment.

As to the way in which I came to sign this, it is quite possible that the Reverend Mr. Lathrop, or Mr. Lothrop, as I believe his name was, called me himself, or somebody called and said they were calling for him from the community church, and I may have—

Mr. KEARNEY. What is the reverend's first name?

Mr. FURRY. Rev. Donald G. Lothrop.

Mr. TAVENNER. Spell the last name, please.

Mr. FURRY. It is spelled L-a-t-h-r-o-p here, but I would think it is spelled L-o-t-h-r-o-p.

Mr. TAVENNER. According to the Daily Worker of July 25, 1950, you were represented as a signer of a statement sponsored by the American Committee for the Protection of Foreign-Born in opposition to the Hobbs bill. I ask you whether or not you signed such protest and, if so, how your signature was obtained?

Mr. FURRY. This Hobbs bill—how is it described there?

Mr. TAVENNER. I will hand you a photostatic copy of the issue of the Daily Worker of July 25, 1950, so that you may refresh your recollection.

Mr. WALTER. I could probably refresh your recollection because I wrote the report.

Mr. FURRY. This bill evidently was represented to me and material sent to me from this organization, as being a bill to provide for indefinite imprisonment without trial of certain persons, and for the denial of bail to certain persons.

Mr. WALTER. You have an entirely wrong conception about what that law does. It makes it a crime for an alien not to leave the United States after he has been ordered deported. That is the offense. That is to be proved. You have to prove affirmatively that he made no attempt to leave the United States.

The reason for it was there were 3,000 aliens at least at the time of this report who were under orders for deportation for every crime from murder on down to simple burglary, who just refused to leave. And after all, you do believe that our sovereignty must be protected don't you?

Mr. FURRY. Yes, sir. I was under the impression that people could be forcibly deported.

Mr. WALTER. But of course a very simple device has been resorted to, particularly by people who do not want to go behind the Iron Curtain. They just don't get a visa, and there you are. And then this organization that you belong to—the American Committee for the

Protection of Foreign-Born—provides Communist counsel usually. They go into court in New York and get a writ of habeas corpus and represent to the court their inability to furnish bail. The judge releases them on their own recognizance and they go out and commit another crime.

Now it certainly seems to me that you as an intelligent and educated man ought not to be willing to permit the sovereignty of this great Republic to be so seriously attacked as it was under the conditions that existed before that law, but you were so opposed to it.

Mr. JACKSON. What is the date of this issue?

Mr. TAVENNER. July 25, 1950.

Mr. JACKSON. What is the date of the citation of the American Committee for the Protection of Foreign-Born?

Mr. FURRY. I don't like this, gentlemen. If you will excuse me. If this date is July 25, 1950, I don't know how my name could have gotten on here. I was outside of the country at that time. I was in Denmark. I was engaged in making my plans to take a ship on July 28, 1950, to come home, and I do not believe that I signed this.

Mr. KEARNEY. Had you ever seen a copy of that issue prior to your appearance on the witness stand?

Mr. FURRY. Of this issue of the paper? No, sir. Not to my knowledge, certainly.

Mr. KEARNEY. Have you ever seen any copies of previous issues?

Mr. FURRY. I can't remember seeing these particular ones. I haven't seen the Daily Worker much throughout most of this period.

Mr. DOYLE. May I ask this question: Professor, in view of this discovery by you, that you just testified that you were not in this country and, therefore, couldn't have given consent, do you want to let your testimony still stand on these other papers?

Mr. FURRY. That I must have?

Mr. DOYLE. That you must have. That you assume. Or, is it possible—

Mr. FURRY. Well, I assumed that honestly, sir, that I must have, since I was there; but I really think I can't have in this case if this time is correct.

Are you sure this time is correct, Mr. Tavenner, or is this perhaps a year out?

Mr. TAVENNER. The issue of the paper appears at the top.

Mr. FORER. It does not say what the date of the letter is.

Mr. TAVENNER. What time did you leave for Europe in 1950?

Mr. FURRY. In the beginning of February. If I ever gave consent to this, they must have stored it for nearly 6 months before they used it.

Mr. DOYLE. Mr. Chairman, I didn't have the benefit of being here this morning, Professor. I was in attendance at another committee of which I am a member. But in view of that testimony by you that you couldn't have given consent to this unless they got it 6 months in advance and kept it in storage—

Mr. FURRY. I could have, of course.

Mr. DOYLE. I am really asking you sincerely, sir, whether or not you still want the record to stand that because of your connections, or your habits, or whatever it was, you are just willing to assume that these same people always got your permission before, if they didn't in this case?

Mr. FURRY. Well, there is this bare possibility, but I think it essentially incredible; and that is that the thing was sent across the ocean to me and I sent it back, because I was attending only to the most official mail for the university and only urgent personal mail, and I do not believe it could have happened.

Mr. KEARNEY. It could have been that you also could have signed this petition some weeks before going overseas and it could have been published at a later date?

Mr. FURRY. That could have conceivably happened.

Mr. CLARDY. There is no date on the paper itself, is there?

Mr. FURRY. No, sir. It could have happened, but I would doubt it. I would doubt it very much. I was extremely busy, and also because of my previous experience of the feeling I had to go into something I didn't want to on the Civil Rights Congress, on that conference, I think it can be essentially discounted completely that I gave my consent to this thing at this time.

Mr. JACKSON. Did you at any time perform any acts for or on behalf of the American Committee for Protection of Foreign-Born previous to this?

Mr. FURRY. I let them use my name as a sponsor of their organization, I am not sure in which years—2 or 3 years, the last one being 1949.

Mr. JACKSON. Mr. Counsel, what was the date of the citation by the Attorney General and by this committee?

Mr. TAVENNER. The date of the citation by the Attorney General Tom Clark was June 1, 1948, and by this committee March 29, 1944.

Mr. JACKSON. Did you know at the time that you lent the use of your name to the organization that it had been so proscribed by the Attorney General?

Mr. FURRY. I probably lent my name originally before it had been, and I probably consented to its continuance in 1949, after it had been. I do not believe I knew of it at the time.

Mr. KEARNEY. Proceed, please.

Mr. TAVENNER. Dr. Furry, have you had any connection directly or indirectly with the United States Naval Research Bureau or its employees?

Mr. FURRY. You mean the Naval Research Laboratories, or—

Mr. TAVENNER. Well, I assume that the Naval Research Laboratories would be a branch or a part of the United States Naval Research Bureau. Is that correct?

Mr. FURRY. I don't know the setup. The only possible connection is that during the war there were some people in Washington interested in the same problems about radio-wave propagation that I was working on at MIT, and on 1 or 2 occasions I made trips to Washington to take part in conferences and discussions.

The only occasion I can remember on which I visited a naval establishment is I went to consult with Prof. Donald Miscell of the university, who was at that time a lieutenant commander in the Navy and was interested in these problems.

Mr. TAVENNER. Did you have any other connection which you have not described with the Laboratory or the Bureau?

Mr. FURRY. They may have written me something for information about some former student of mine they were intending to employ. That may have happened. Something like that. I can't think of any other connection.

Mr. WALTER. Did you recommend any men to the Navy Department?

Mr. FURRY. Well, I get these requests for recommendations for employment for all sorts of employment. A certain fraction of the people who go through Harvard ask me to do it for them.

Mr. TAVENNER. There has been described to the committee the existence of a Communist Party unit or cell within the teaching profession of Harvard. Were you at any time a member of it?

Mr. FURRY. I must refuse to answer that question on the grounds that I stated this morning.

Mr. KEARNEY. Are you now a member of any Communist cell at the University of Harvard or anywhere else?

Mr. FURRY. I refuse to answer that question on the grounds that I stated this morning.

Mr. TAVENNER. Did you attend in 1944 a labor-press conference?

Mr. FURRY. It seems very unlikely to me, sir. I was very busily engaged at that time. I was working at MIT. I don't think I did.

Mr. TAVENNER. Were you a delegate to such a conference from the Teachers' Union?

Mr. FURRY. I was doing nothing in connection with the Teachers' Union during those years I worked at MIT, which included 1944, I believe.

Mr. TAVENNER. Have you ever been a member of the Communist Party at any time?

Mr. FURRY. I must refuse, as I have before, to answer that question, on the grounds that I stated this morning.

Mr. WALTER. You don't have to refuse. You say, "I must refuse." Do you refuse?

Mr. FURRY. All right. I do refuse.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. KEARNEY. Mr. Jackson.

Mr. JACKSON. Professor, why have you refused to answer the question as to whether or not you were a member of the Communist Party? Do you consider that a violation of your personal rights, aside from the matter of possible self-incrimination?

(The witness consults with his attorney.)

Mr. FURRY. I believe my full statement that I made this morning, and which the chairman found a little long, applies to this question.

Mr. JACKSON. I am sorry. I must apologize for not being able to be here this morning.

The reason I asked the question is because you were very blunt and very emphatic in denying any association with the German-American Bund or with the Silver Shirts. It seems a little inconsistent, if there is any matter of conscience involved here that one can on the one hand be emphatic and blunt in denying associations or without going into the question of conscience or anything else, and on the other point—the subject under investigation here—can be very reluctant and can take the constitutional privilege.

Have you traveled abroad since 1950?

Mr. FURRY. Only to Canada.

Mr. JACKSON. I have no further questions.

Mr. KEARNEY. Mr. Clardy.

Mr. CLARDY. Witness, do you conceive a straightforward answer that you are not a member of the Communist Party could in any way incriminate you?

(The witness consults with his attorney.)

Mr. FURRY. I refuse to answer that question on the grounds previously given.

Mr. CLARDY. Would you state your reasons for advancing that claim?

(The witness consults with his attorney.)

Mr. FURRY. It appears to me, Mr. Clardy, this is simply an attempt to get behind my answer to cross-examine me on my refusal to answer.

Mr. CLARDY. That is the best answer you can think of with the help of counsel at the moment?

Mr. FURRY. I think that is the correct answer.

Mr. CLARDY. Now is it your apprehension, sir, that if you admitted you were a member of the Communist Party, that that would in some way incriminate you and endanger your freedom or your liberty?

Mr. FURRY. I refuse to answer this question on the same grounds as before and with the same reason I just explained, that it is an attempt to cross-examine me on my refusal.

Mr. CLARDY. Have you ever engaged in any activity in any way contrary to the best interests of the United States of America?

Mr. FURRY. Not in my opinion, sir.

Mr. CLARDY. Would you describe what you mean by "not in your opinion"?

Mr. FURRY. Simply that. That in my opinion I have never acted in a way calculated by me, or in my best judgment, to injure the United States.

Mr. CLARDY. Would membership in the Communist Party fit within your definition, sir?

Mr. FURRY. I am not an expert on the history of the Communist Party.

Mr. CLARDY. You know nothing about it whatever?

Mr. FURRY. I don't say that I know nothing about it whatever. I say I don't know everything about it. There may be times, or there may have been times at which it would or would not have been within that statement.

Mr. CLARDY. When are the times that it would not have been? Are there such?

Mr. FURRY. There may be. I said I am not an expert and I believe this is a rather moot point in the courts of the United States right at the moment.

Mr. CLARDY. You approve of the present attitude of the Government of Russia on the question of anti-Semitism, or Semitism?

Mr. FURRY. I am not really aware, sir, that the Government of Russia has such an attitude.

Mr. CLARDY. You are still of the opinion you indicated earlier this morning that you didn't know that they were anti-Semitic. Is that what you are meaning to say?

Mr. FURRY. I know there is a great deal of talk in the press. I have seen talk in the press in past years—nearly 30 of them now—some of which I happened to be able to verify from my own experience, or knowledge of languages, or in other ways, was utterly falsified, condemning Russia.

I know also that some of the condemnation may be true, and I am not in a position to judge. I certainly have no direct way of knowing about this particular question.

Mr. CLARDY. Then you do not wish at the moment to condemn the moves of the Russian leaders toward the Jewish race?

Mr. FURRY. If they are making moves toward the Jewish race, trying to persecute the Jewish race, I will condemn them. What I have seen so far in the press has not convinced me that they are.

Mr. CLARDY. That is all I have.

Mr. SCHERER. Professor, this morning you told us of your trips abroad. Did I understand you to say that at one time you did visit Russia?

Mr. FURRY. That's right.

Mr. SCHERER. When was that?

Mr. FURRY. Roughly the month of July 1938.

Mr. SCHERER. Would you mind telling us what the occasion of that visit was?

Mr. FURRY. As a tourist.

Mr. SCHERER. Where in Russia did you go?

Mr. FURRY. Too far, resulting in my wife's illness, for which I had to take her to Stockholm to get her cured. We went to Leningrad, Moscow, Kharkov, Rostov-on-Don, Sanshi, Yalta, Sevastopol, Shepetovka, Kiev, and then back to Leningrad and Moscow and Leningrad, and out into the Scandinavian countries.

This was too long an itinerary for our strength, and particularly for my wife's.

Mr. SCHERER. Have you kept up any correspondence with any associations that you formed during that trip abroad?

Mr. FURRY. No, sir.

Mr. SCHERER. That is all.

Mr. KEARNEY. Are you finished?

Mr. SCHERER. Yes.

Mr. KEARNEY. Mr. Walter.

Mr. WALTER. No questions.

Mr. KEARNEY. Mr. Doyle.

Mr. DOYLE. Professor, as I stated before, I didn't have the benefit of hearing your testimony this morning because I was in attendance at another committee meeting. I am not going to assume that you know or are familiar with the statutes under which this committee operates, or are familiar with the text of our assignment as Members of Congress.

Mr. FURRY. No, sir. I am not.

Mr. DOYLE. You never read it?

Mr. FURRY. No, sir.

Mr. DOYLE. Well, in a general way I presume you know, though, but I do want to read just one sentence in the paragraph and ask your cooperation, if you will give it and feel you are in a position to give it in answering questions. It is this:

The Committee on Un-American Activities as a whole and by subcommittee is authorized to make from time to time investigations of the extent, character, and objects of un-American propaganda in the United States.

Then I skip down to,

\* \* \* diffusing within the United States subversive and un-American propaganda that is instigated in foreign countries of domestic origin and attacks

the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary and remedial legislation.

Have you any suggestion to this committee as to any way in which our present statutory law relating to the Communist Party in our country, or subversive people or programs, should be amended or changed?

Mr. FURRY. I am not very familiar with the statutory law on that, Mr. Moulder, and I am not a lawyer.

Mr. FORER. It is Mr. Doyle.

Mr. FURRY. Is it Mr. Doyle? Excuse me. Mr. Moulder's sign is right in line.

Mr. DOYLE. I am seated in Mr. Moulder's seat.

Mr. FURRY. I am not familiar with that Mr. Doyle. I have no suggestions.

Mr. DOYLE. I did notice, however, and I think you volunteered a minute ago some considerable information about the court processes and the jury cases and our Federal courts with reference to penalties and fines, and the cases involving defendants in our courts at least charged with programs to forcibly overthrow our Government. I therefore assumed that maybe you were in possession of some suggestions.

Mr. FURRY. Well, Mr. Doyle, I am an assiduous reader of non-fiction books and I have come across this blue-ribbon jury referred to now and then in various sorts of cases, and I saw it referred to in the New Yorker just recently in connection with a case that was being described in their Annals of Crime business. And by and large the impression that I have of the blue-ribbon jury system is not a good one, and this came up in connection with one of those places.

Mr. DOYLE. Another question: Have you read any of the findings or magazine articles about the findings of the Subversive [Activities] Control Board in the last year in which the Communist Party was the respondent or defendant, and in which the Subversive [Activities] Control Board has just found that the Communist Party—or I think it did—at least it is my best information it did—found the Communist Party a party which should be required to register members that are in this country.

Have you read any of their findings or reports at all?

Mr. FURRY. Only as they appeared as a news story in the press. Certainly very little about it.

I notice my attorney is shaking his head at this.

Mr. DOYLE. I noticed that too, of course. I couldn't tell whether he is shaking it at me or at you.

Mr. FORER. I was shaking it at you. It was a panel that recommended the decision. The Board hasn't acted.

Mr. WALTER. The Board never acted.

Mr. FORER. The Board hasn't acted yet.

Mr. DOYLE. But I think the Board would only constitute the four members and this panel, therefore, is a majority.

Mr. FORER. There is no question of what the Board will do.

Mr. DOYLE. May I ask you this, Professor? I noticed you made the observation that newspaper clippings or magazine clippings had been mailed you treating with these different cases.

Mr. FURRY. That's right.

Mr. DOYLE. Didn't I hear you say that?

Mr. FURRY. Yes, sir.

Mr. DOYLE. Mailed you from where?

Mr. FURRY. Well, there is some office in New York that sends these out.

Mr. DOYLE. What organization mailed you these?

Mr. FURRY. Some defense committee.

Mr. DOYLE. What defense committee?

Mr. FURRY. Oh, the Committee to Defend the Eleven Defendants, or something like that.

Mr. DOYLE. How about the Communist Party headquarters in New York? Did you get some from them?

Mr. FURRY. I can't remember any time within recent years getting a thing from them.

Mr. DOYLE. How far back can you remember having received from the Communist Party of New York newspaper clippings or clippings from their headquarters?

Mr. FURRY. I would say with some assurance that I haven't received any in the last 2 or 3 years, and I suspect it goes back further than that. However, I believe they are operating still feeling they are free to send out as they please, and if they want to send me some I suppose they will.

Mr. DOYLE. I notice you said you are a very great reader of magazines and nonfiction articles. Therefore I am interested—you being one of our foremost educators, and your particular chair—in what articles you read. It might help us to understand your answers before this committee.

Having read to you the section of the statute under which this committee operates, which challenges us with the duty of investigating subversive activities in this country—that being the statute, do you have any objection, theoretical or practical, to this committee fulfilling its duty to the American people as assigned by Congress and trying to ferret out people and programs who are subversive and who advocate the use of violence and force?

Mr. FURRY. I certainly have no objection to the authorities in this country trying to find people who are concerned with overthrowing this Government. I happen to believe that this sort of proceeding is not the way it ought to be done. I think it should be done by regular law enforcement agencies.

Mr. KEARNEY. That is your opinion.

Mr. FURRY. Yes, sir. That is my opinion.

Mr. CLARDY. You know if a law-enforcement agency had you in court you do not have the privilege of having an attorney telling you how to answer questions, do you not?

Mr. KEARNEY. The gentleman from California, Mr. Doyle, has the floor.

Mr. CLARDY. I beg your pardon.

Mr. DOYLE. Then, Professor, while a minute ago you said you had no suggestions in answer to my question, are you not now making a definite statement of opinion as to how this committee should or should not function? Aren't you saying that this committee should not function and that all such matters should be turned over to legal procedures in our duly constituted courts?



Mr. KEARNEY. The Chair will make an observation here: The witness is not on trial. I would suggest that we pursue a different course of questioning.

Mr. DOYLE. I am certainly not trying to put him on trial, but I am trying from his brilliant educational record to find out if he has a suggestion with reference to the function of this committee, and certainly by definite statutory direction we are directed to undertake to find in our hearings if there is any suggestion that could come from any witness as to any necessary remedial legislation.

Mr. WALTER. If you want an expert opinion on physics you will probably get it here.

Mr. FURRY. That's right. My educational qualifications are definitely not of a legal sort, sir.

Mr. KEARNEY. In other words, Mr. Witness, you feel that the Members of Congress of the United States should write their own legislation?

Mr. FURRY. Yes, sir.

Mr. KEARNEY. That is what we are here for.

Mr. DOYLE. I wouldn't challenge your conclusion at all, but I do feel in an appeal to the witness like this, if he has a suggestion to us, as an American citizen, of any remedies that should be applied to our processes, we ought to try to get them from him.

Mr. WALTER. What do we care what he thinks about it?

Mr. FURRY. I have made suggestions to the various authorities of the Government at various times in the past.

Mr. KEARNEY. It seems to me we are wasting a lot of time here.

Mr. FURRY. Right.

Mr. KEARNEY. And I suggest that we proceed along the usual line of questioning.

Mr. DOYLE. Well, I have no further questions.

Mr. KEARNEY. Mr. Frazier.

Mr. FRAZIER. No questions.

Mr. KEARNEY. One question, Professor. Do you believe that membership in the Communist Party today is inimical to the interests of the United States?

Mr. FURRY. Sir, that is a matter about which I am perhaps not certain.

Mr. KEARNEY. Can you give me an answer "Yes" or "No"?

Mr. FURRY. Doesn't a citizen have a right to be uncertain about a matter of public interest?

Mr. KEARNEY. I will say that the witness has been uncertain in much of his testimony here today. If that is the way the witness wants to leave it, that is all right with the Chair.

Mr. WALTER. How could you be uncertain after Korea?

Mr. FURRY. I don't think the Communist Party of the United States started that Korean business.

Mr. JACKSON. The Communist Party of the United States has done everything it could to be sure that we would fail in our goals. Does the professor recognize any valid distinction as between a Communist in the United States today and a Communist soldier in the lines in North Korea?

(The witness consults with his attorney.)

Mr. KEARNEY. Surely that is a question on which the witness does not have to consult counsel.

Mr. FORER. That's right.

Mr. JACKSON. I am quite willing to have the witness consult with counsel on it.

(The witness consults with his attorney.)

Mr. JACKSON. Is there any valid distinction? Do you make a distinction in your mind as between one who seeks the overthrow of the Government of the United States by force and violence in this country, and one in the lines of North Korea who seeks the overthrow of the United States of America by force and violence in Korea?

Mr. FURRY. Well, of course, I am not sure that either one is seeking the overthrow of the United States Government by force and violence. The man in Korea is seeking control over some Korean territory.

Mr. JACKSON. The Communist in Korea is seeking world domination by the Soviet Union to the same extent and in the same degree that a dedicated Communist in this country seeks the same goal.

I am disappointed, frankly, that there are American citizens today who distinguish as between shades of communism, knowing that the Communist in Korea and the Communist in this country follow the same directives, read the same textbooks, and are dedicated to the same ends.

I have no further questions.

Mr. KEARNEY. Counsel, do you have a question?

Mr. TAVENNER. Yes, sir. I would like to ask one additional question.

Doctor, you have indicated in your answers to some questions propounded by committee members that you had some knowledge of the Communist Party and what it stands for. I want to ask you whether or not the existence of Communist Party membership on the part of professors in a college or university is a thing that should be looked upon lightly, or whether it is a matter that should be the subject of grave concern with reference to the influence that the Communist Party might wield upon members of the institution, both of the faculty and students, when these professional members are under the directives of the Communist Party?

Mr. FURRY. The existence of any large or organized group in a particular institution, I think, could be a source of grave concern. The existence of isolated individuals, as long as they are not teaching and not using their positions to teach any doctrines of this sort, I think is of no particular concern.

Mr. TAVENNER. It is just a question of degree, in your opinion? If there is a large number it is dangerous, and if they are few it is of no concern?

Mr. FURRY. I said if they were isolated individuals.

Mr. TAVENNER. Can a member of the Communist Party who is subject to its directives be isolated?

Mr. FURRY. Well, I don't know whether I know enough about the workings of all this thing to answer that, sir. By the word "isolated" I meant a single person in institutions.

Mr. TAVENNER. We have heard testimony here regarding the existence of an organized group or cell of the Communist Party at Harvard? Nothing has been said about an isolated member.

Mr. FURRY. You have heard that suggestion about a period from 13 to 15 years ago, I believe, or 14 to 16.

Mr. TAVENNER. Well, I am asking you as to 13 or 14 years ago. What do you say about it?

(The witness consults with his attorney.)

Mr. FURRY. I don't believe at that time it was of any danger.

Mr. TAVENNER. Would it be now?

Mr. FURRY. I think it probably would be.

Mr. WALTER. Was there one 10 years ago?

Mr. FURRY. I believe the committee has already heard evidence on that.

Mr. WALTER. I am asking you whether or not there was one.

Mr. FURRY. I refuse to answer that question myself.

Mr. WALTER. Is there one now?

Mr. FURRY. I refuse to answer that question for myself on the grounds I have already stated.

Mr. TAVENNER. I have no further questions.

Mr. KEARNEY. The witness is excused.

The next witness, Mr. Counsel.

Mr. TAVENNER. Mr. Granville Hicks.

Mr. KEARNEY. Mr. Hicks, do you swear that the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HICKS. I do.

Mr. KEARNEY. You will be seated, please.

### TESTIMONY OF GRANVILLE HICKS

Mr. TAVENNER. You are Mr. Granville Hicks?

Mr. HICKS. Yes.

Mr. TAVENNER. Are you represented or accompanied by counsel?

Mr. HICKS. No.

Mr. TAVENNER. Do you desire counsel?

Mr. HICKS. No.

Mr. TAVENNER. When and where were you born, Mr. Hicks?

Mr. HICKS. I was born in Exeter, N. H., on the 9th of September, 1901.

Mr. TAVENNER. What is your present occupation?

Mr. HICKS. I am a free-lance writer.

Mr. TAVENNER. Will you state for the committee, please, what your formal educational training has been?

Mr. HICKS. I was educated in the public schools of New Hampshire and Massachusetts. I did undergraduate work at Harvard and was graduated in 1923 with my A. B. degree. From 1923 to 1925 I was at Harvard Theological School.

You want only education now?

Mr. TAVENNER. Yes.

Mr. HICKS. In 1928-29 I was back at Harvard and took my master's degree in English.

Mr. TAVENNER. Excuse me. What was the date when you obtained your degree at Harvard?

Mr. HICKS. 1929. My A. B. degree in 1923; my master's degree in 1929.

Mr. TAVENNER. Will you tell the committee, please, what your work record or employment record has been since the completion of your formal education?

Mr. HICKS. Well, from 1925 to 1928 I was an instructor at Smith College. Then I went back to Harvard in 1928-29, as I have already said; and from 1929 to 1935 I was assistant professor of English at Rensselaer Polytechnic Institute in Troy. Since then I have had—no, I am sorry—

Mr. TAVENNER. Will you spell the name of that school, please?

Mr. HICKS. R-e-n-s-s-e-l-a-e-r.

Mr. TAVENNER. Rensselaer?

Mr. HICKS. Rensselaer.

Mr. TAVENNER. And try to elevate your voice a little, if you please? Now you were at Rensselaer College to 1935?

Mr. HICKS. 1935. Yes.

Mr. TAVENNER. And from 1935 on how were you employed?

Mr. HICKS. Well, except for 1 year in that period I have been a free-lance writer. In the year 1938-39 I was a counselor in American civilization at Harvard College.

Mr. TAVENNER. Mr. Hicks, you have appeared at a prior time before a subcommittee of this committee in executive session, have you not?

Mr. HICKS. Yes, sir.

Mr. TAVENNER. You have advised the committee of most of the facts, I suppose, that you have within your recollection.

Mr. HICKS. Yes, sir.

Mr. TAVENNER. Regarding your experience while a member of the Communist Party?

Mr. HICKS. Yes.

Mr. TAVENNER. When did you become a member of the Communist Party?

Mr. HICKS. In the winter of 1934-35.

Mr. TAVENNER. And how long did you remain a member?

Mr. HICKS. Until September 1939.

Mr. TAVENNER. Since September 1939 have you been affiliated with any activities of the Communist Party, to your knowledge?

Mr. HICKS. Not if I knew it.

Mr. TAVENNER. What has been your attitude and your record since 1939 with reference to the Communist Party?

Mr. HICKS. I have been, I think, consistently anti-Communist.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you first became a member of the party?

Mr. HICKS. Well, I had been a rather close fellow traveler for a period of 3 or 4 years; so close that I was actually an editor of the New Masses, which was, of course, a Communist magazine. I was an editor at a time when I was not a member of the party. It was very natural that I should be at some point or other recruited into the party. And when I was asked, in the winter of 1934-35—and it may have been December 1934, or January or February 1935, I don't remember—but when I was asked, I immediately agreed to join the party, and I did so.

Mr. TAVENNER. Was that in the city of New York?

Mr. HICKS. That was in the city of New York.

Mr. TAVENNER. Were you then employed as an editor of New Masses?

Mr. HICKS. Well, employed is not the right word, since the New Masses never paid anything. I was an editor of the New Masses. I was employed at that time at Rensselaer Polytechnic Institute.

Mr. TAVENNER. How long had you been on the editorial staff of the New Masses before you were invited into the party?

Mr. HICKS. Approximately a year. I became the literary editor of the New Masses when it was made a weekly in January 1934.

Mr. TAVENNER. Who asked you to become a member of the party?

Mr. HICKS. Bernhard Stern.

Mr. TAVENNER. Bernhard Stern. How was he employed?

Mr. HICKS. He was employed in some capacity at Columbia University. I don't know what his rank was.

Mr. TAVENNER. Was he a teacher?

Mr. HICKS. Yes. I think so.

Mr. TAVENNER. Tell the committee the circumstances under which he asked you to become a party member.

Mr. HICKS. I was living—I was not living in New York at that time. I was living in Troy. As I remember, he wrote and asked me if I would have a meal with him the next time I came to the city. I did so. We had dinner together and he simply asked me if I didn't feel I was now ready to join the party; and after we discussed it a little while I said that I did feel so.

Mr. TAVENNER. Were you then assigned to a special group or any particular group of the Communist Party?

Mr. HICKS. Well, he took me to the group to which he belonged.

Mr. TAVENNER. Then you became a member of the same group or unit of which he was a member?

Mr. HICKS. That is true; which was a group of professional people, writers mostly, in New York City.

Mr. TAVENNER. Were there any other members of the teaching profession, members of that group, other than Prof. Bernhard Stern?

Mr. HICKS. Not to the best of my recollection. I think there were not any other teachers.

Mr. TAVENNER. What was the activity in which that group engaged?

Mr. HICKS. My impression is I only attended one or two meetings because of not living in the city and not having to be there, and not happening to be there at the time when the group was meeting. I remember that at one meeting I attended there was a good deal of talk about preparations for the first Congress of American Writers. That is the only specific subject I can remember our discussing.

Mr. TAVENNER. Did you become a member of the first Congress of American Writers?

Mr. HICKS. Yes. I presided, I think, at the opening meeting of that congress.

Mr. TAVENNER. Was that an open meeting—open to the public generally?

Mr. HICKS. Yes.

Mr. TAVENNER. It was a matter that was public knowledge in the city of New York and carried in the newspapers?

Mr. HICKS. Oh, very, very much so.

Mr. TAVENNER. Were the other members of that Communist Party group to which you were assigned also members of that writers conference?

Mr. HICKS. I think so. The first Congress of American Writers led, as I recall it, to the formation of the League of American Writers, an organization that went on for a number of years. My guess would be that all of the members of the group I belonged to were also members of the League of American Writers. I know that some of them were.

Mr. TAVENNER. What was the approximate date of the first Congress of American Writers over which you presided?

Mr. HICKS. April or May 1935.

Mr. TAVENNER. How long did you continue active in that organization?

Mr. HICKS. Only until the following summer. You mean now the party group I belonged to?

Mr. TAVENNER. I was referring at the moment to the work of the first congress.

Mr. HICKS. To the League of American Writers?

Mr. TAVENNER. And to the League of American Writers.

Mr. HICKS. I belonged to that until the winter of 1939-40, when I became convinced that the Communist domination was hopeless, and I got out. I might say parenthetically that there were a good many of us who had hoped, having broken with the party, or never having belonged to it—

Mr. TAVENNER. Would you raise your voice?

Mr. HICKS. Yes. There were a good many of us who hoped during the fall and winter of 1939-40 that the league could be taken away from the Communists, but it proved to be impossible, and so most of us simply quit.

Mr. TAVENNER. Were you of the opinion that it was under the control and domination of the Communist Party from its inception?

Mr. HICKS. Very much so. That does not mean, of course, that all of the members of the league were Communists. Far from it.

Mr. TAVENNER. Certainly.

Mr. HICKS. But the Communists were controlling it from the very beginning.

Mr. TAVENNER. How long did you remain a member of this first group in the city of New York, that is, the group of the Communist Party to which you were assigned?

Mr. HICKS. Only until the following summer—the summer of 1935—when I asked to be transferred to the Street branch in Troy, where I was then living. This was partly because I thought it was foolish to belong to a branch in whose activities I could not really take any effective part. It was also because having been fired from Rensselaer Polytechnic Institute I felt I could afford to be a public and open member of the Communist Party, and I very much preferred to be in the open. So that I was transferred to the Troy branch, and from that time on went under my own name in the party and made no effort whatever to conceal my affiliation with the party, and spoke many times under direct party auspices.

Mr. TAVENNER. When you first became a member in the city of New York in the group to which you were introduced by Professor Stern, your membership was kept secret?

Mr. HICKS. Yes.

Mr. TAVENNER. Did you use your own name?

Mr. HICKS. No. I certainly had a party name. I had no idea what it was, but I was given a party name, I am sure.

Mr. TAVENNER. Did you pay dues?

Mr. HICKS. Yes.

Mr. TAVENNER. What were the dues?

Mr. HICKS. I don't know. The dues system changed several times during the period that I was in the party, and sometimes it was on a sliding-scale basis, and sometimes it was on a direct percentage basis. I think that the dues ran somewhere around 5 percent and up. Perhaps higher than 5 percent of one's income.

Mr. TAVENNER. Five percent of your income?

Mr. HICKS. Yes.

Mr. TAVENNER. Now you stated that you were teaching at Rensselaer College at the time you were editor of the New Masses. How long were you or did you occupy that dual relationship?

Mr. HICKS. A year and a half.

Mr. TAVENNER. How long was it after you became a member of the Communist Party that your services were dispensed with at Rensselaer College?

Mr. HICKS. Five or six months.

Mr. TAVENNER. Had you become openly known as a member of the Communist Party at that time?

Mr. HICKS. No, I had not. I was certainly known as a very close sympathizer, as my being on the New Masses and presiding on the [American] Writers Congress, and so on, would indicate; but I concealed the fact that I was actually a member of the Communist Party.

Mr. TAVENNER. Was there any connection between your release as a teacher at Rensselaer College and your Communist Party affiliations?

Mr. HICKS. The administration refused to give that as the reason for dismissing me. Presumably I was officially dismissed for reasons of economy. However, in his commencement address the acting president said that he did not fire me because I was a Communist, but if he had fired me because I was a Communist it would have been all right. You may draw whatever inference from that you wish.

Mr. TAVENNER. Did you at the time make any claim or assertion as to the cause of your release in a public way?

Mr. HICKS. Oh, I said as loudly as I could that I was being fired because I was a Communist sympathizer.

Mr. TAVENNER. Did you at that time admit publicly that you were actually a member of the party?

Mr. HICKS. I did not.

Mr. TAVENNER. Was it immediately after your release from Rensselaer College that you asked to be transferred to Troy?

Mr. HICKS. It was.

Mr. TAVENNER. Do you mean in being transferred to Troy, being transferred to a Communist Party unit in Troy?

Mr. HICKS. That is what I mean. Yes.

Mr. TAVENNER. Was that suggestion made to you by Communist sources, or was it a matter of your own decision?

Mr. HICKS. It was a matter of my own decision, which was to some extent resisted by the Communists in New York, but at the end they agreed, and that was what happened.

Mr. TAVENNER. At the time your connections were severed from Rensselaer College, did the Communists of your group take any position with regard to your making it known publicly that you were a member of the Communist Party?

Mr. HICKS. Bernhard Stern suggested that he thought it was very unwise. I remember that. Whether any of the others made similar suggestions I don't know, but in any case, whatever was said, I did what I wanted to do and became a public member.

Mr. TAVENNER. But you did not become a public member until you had left the group in New York?

Mr. HICKS. No.

Mr. TAVENNER. Why was it you did not announce publicly that you were a member of the Communist Party while still a member of the group in New York, instead of waiting until you got to Troy and until you were assigned to the Troy group?

Mr. HICKS. Because that would have been—there would have been a danger then of exposing members of the unit in New York.

Mr. TAVENNER. Wouldn't there have been an equivalent danger of exposing people in Troy?

Mr. HICKS. Not really an equivalent danger. And actually it wouldn't have been so serious if they had been exposed.

Mr. TAVENNER. Why is that?

Mr. HICKS. Well, the Troy branch—it was known a Troy branch did exist. It carried on various regulations, political and public activities. It was taken for granted that it was there; that a public spokesman should appear for it really didn't change the actual situation at all. The group in New York, on the other hand, was a highly secret group, and nobody was supposed to know it. Nobody outside the party was supposed to know that there was even such a group in existence. Therefore, to have called attention to it might have been to point the finger at the particular individuals who made it up.

Mr. TAVENNER. Was this group in New York a group of persons in sensitive positions in their particular fields?

Mr. HICKS. Not particularly.

Mr. TAVENNER. Or prominent positions?

Mr. HICKS. Fairly prominent in some instances.

Mr. TAVENNER. Was John Howard Lawson a member of that group?

Mr. HICKS. That question I could only answer in terms of hearsay.

Mr. TAVENNER. Do you know?

Mr. HICKS. I do not ever remember seeing him at a meeting of that group.

Mr. TAVENNER. Were any other members of the staff of New Masses members of that group?

Mr. HICKS. No.

Mr. TAVENNER. Can you recall the name at this time of any other persons who were members of that particular group?

Mr. HICKS. I can. Do you think it is relevant to the interests of the committee at the present time?

Mr. TAVENNER. It isn't relevant to the issue we are immediately concerned with.

Mr. HICKS. I have already given those names in private hearing and I would be glad to let that matter rest there for the time being.

Mr. TAVENNER. Mr. Chairman, in the light of the fact it is not a



matter concerned with our present hearing I am not disposed to press the answer.

Mr. KEARNEY. All right.

Mr. TAVENNER. When you were assigned to the unit in Troy did you immediately make known publicly your membership in the Communist Party?

Mr. HICKS. Not at any rate in the sense of sending a statement to the local papers saying I have joined the Communist Party, but almost immediately I began speaking at open party meetings and broadcasting for the party on the radio.

Mr. TAVENNER. How long did you continue as an open party member?

Mr. HICKS. I was an open party member as long as I was in the party.

Mr. TAVENNER. Can you give us the approximate date of your transfer to the Communist Party at Troy?

Mr. HICKS. Only that it was sometime in the summer of 1935.

Mr. TAVENNER. Your next employment, I believe, was at Harvard University?

Mr. HICKS. Yes.

Mr. TAVENNER. What was the position to which you were elected, or which you were given in Harvard?

Mr. HICKS. I think the title was counselor in American civilization.

Mr. TAVENNER. Was that a new system or plan of study which had been inaugurated that year?

Mr. HICKS. It was a new plan. As I recall, someone had given Harvard a sum of money to undertake an experiment of this kind for a period—a limited period of years—to see if it would be successful for, say, 3 or 4 years. The plan was that a man should be appointed to each of the houses at Harvard, that is, these groups which had living quarters and eating places, and also integrated in the study program. A man should be assigned to each of these houses whose job it would be to try to interest the students in that particular house in studying American culture outside of actual classroom work.

Mr. TAVENNER. What phase of American culture was it contemplated they should be taught?

Mr. HICKS. Well, most of the people who were appointed were either in American literature, or American history, or both. So that I take it the emphasis fell on American history and literature.

Mr. TAVENNER. Which was your field?

Mr. HICKS. American literature.

Mr. TAVENNER. How many counselors were appointed?

Mr. HICKS. Seven or eight, I think.

Mr. TAVENNER. Were you employed by the faculty or by some other group or organization of the university?

Mr. HICKS. Well, I suppose I was employed by the corporation which is the governing body of Harvard University.

Mr. TAVENNER. Will you tell the committee the circumstances under which you were employed? Who initiated the movement or the suggestion of your employment?

Mr. HICKS. Well, I was—as I recall it, the first suggestion came from a friend of mine at Harvard—F. O. Matthiessen, the literary critic, who wrote to ask whether I would be interested in such an appointment if it were offered me. He had reason to ask that since it

was only a part-time job with part-time pay, and I would in any case have to go on with free-lance writing, and so on, in order to support my family.

He therefore approached the subject rather tentatively, telling what the plan involved and asking me if I would be interested, and saying, of course, that he could promise nothing; this was simply a tentative inquiry.

After thinking it over I wrote back that I thought I would be very much interested, and in due season received an official appointment—from whom I don't know.

Mr. TAVENNER. Do you have any records showing how the official appointment was made?

Mr. HICKS. I may have. I usually keep such things. But I think it would have come in the form of an impersonal letter from whatever official of the university handled that kind of thing.

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. TAVENNER. Do you know whether or not your activity in the Communist Party, or even the fact of the Communist Party membership at that time, was known to the appointive powers at Harvard?

Mr. HICKS. It seems as if it must have been, but I don't know absolutely that it was.

Mr. TAVENNER. When did you first enter the school for the performance of your duties?

Mr. HICKS. In September 1938.

Mr. TAVENNER. When did you receive your appointment?

Mr. HICKS. The preceding April or May.

Mr. TAVENNER. I have seen an article in the New York Times dated April 12 stating that you were appointed that day and there was a considerable question raised at that time, was there not, about the appointment by Harvard of a person in your capacity who was a known member of the Communist Party, was there not?

Mr. HICKS. Particularly in the Boston newspapers.

Mr. CLARDY. In the what?

Mr. HICKS. In the Boston newspapers.

Mr. TAVENNER. Did your Communist Party membership have anything to do with your not being retained for an additional year, to your knowledge?

Mr. HICKS. That is a matter that was very much under dispute. I maintained at the time that it did. The administration said that it never intended to appoint counselors for more than a year at a time. Whether what they said was true, none of the counselors had been aware of it. We thought there was a possibility of renewal, but I am not questioning what they said at that time at this time. At the time I thought that it was because of the embarrassment that had been caused them that they let me go.

Mr. WALTER. Who passed on the question? The president of the university?

Mr. HICKS. I beg your pardon, sir?

Mr. WALTER. Who passed on that question? The president of the university?

Mr. HICKS. On the question of appointing me in the first place, or letting me go? I suppose that I could have been appointed without

the president's having any immediate knowledge of it. That is, this was a very unimportant position and it is the kind of thing that could quite conceivably have slipped by without his investigating the subject very carefully. I have never known whether that was true or not. I think he was very well aware of what went on when I left.

Mr. TAVENNER. Well, during the period of your work at Harvard for the year that you were there, did you continue in your Communist Party associations?

Mr. HICKS. Oh, yes.

Mr. TAVENNER. And membership?

Mr. HICKS. Yes, indeed.

Mr. TAVENNER. Were you very serious at that time about the subject of communism?

Mr. HICKS. I should say so, yes, very serious, indeed.

Mr. TAVENNER. Did you have your membership transferred from Troy to Harvard University?

Mr. HICKS. I suppose I must have. I don't remember the circumstances, but I—I was associated with the Harvard branch as soon as I got there.

Mr. TAVENNER. Did you find that branch in existence when you came?

Mr. HICKS. I did.

Mr. TAVENNER. Was it there when you left?

Mr. HICKS. It was.

Mr. TAVENNER. Was that known as the Harvard branch?

Mr. HICKS. I don't know whether it was. I don't suppose it could have been. Ever—we always spoke of it as such, but I imagine that officially it had some other name.

Mr. TAVENNER. Were you aware that the existence of a cell of the Communist Party at Harvard among the professors was known generally in the community?

Mr. HICKS. I think it was known generally, yes.

Mr. TAVENNER. Was the membership of the group known?

Mr. HICKS. Not known certainly, no.

In some cases I think there were strong suspicions; in others probably not.

Mr. TAVENNER. Was your own position in the membership of the Communist Party known to the students generally?

Mr. HICKS. Yes, indeed.

Mr. TAVENNER. You had not endeavored to conceal your Communist Party membership after having once become an open member?

Mr. HICKS. No.

Mr. TAVENNER. While a member of the Troy branch of the Communist Party?

Mr. HICKS. That is true.

Mr. TAVENNER. We just had on the witness stand a professor from Harvard University, Dr. Wendell Furry. Did you become acquainted with him while at Harvard?

Mr. HICKS. Yes, I did.

Mr. TAVENNER. Was he a member of the Communist Party cell or group of which you were a member?

Mr. HICKS. Yes, he was.

Mr. TAVENNER. Was he a member when you came there?

Mr. HICKS. Yes.

Mr. TAVENNER. Was he a member when you left?

Mr. HICKS. Yes.

Mr. TAVENNER. Do you know anything about his continued membership in the Communist Party after you left?

Mr. HICKS. No, I have no knowledge of that kind.

Mr. TAVENNER. Have you any knowledge of the continuance of that Communist Party cell in later years?

Mr. HICKS. No, I have not.

Mr. TAVENNER. Have you had any occasion to know one way or another about its existence or nonexistence?

Mr. HICKS. No, the only person who was in any position to tell me about that was Robert Davis, who testified yesterday.

After he, too, had left the party, I had no contact with it whatever.

Mr. TAVENNER. Did you become acquainted with a person by the name of Israel Halperin?

Mr. HICKS. I did.

Mr. TAVENNER. Was he a member of that cell of the Communist Party?

Mr. HICKS. He was.

Mr. TAVENNER. At Harvard. Do you recall what his connection with the institution was?

Mr. HICKS. No, I don't. I think he was probably a part-time teacher and part-time graduate student, but I'm not sure.

Mr. TAVENNER. Do you recall Dr. Daniel J. Boorstin?

Mr. HICKS. Yes.

Mr. TAVENNER. Was he a member of the group or cell of the party of which you were a member?

Mr. HICKS. He was.

Mr. TAVENNER. Do you recall a person by the name of Richard Schlatter—S-c-h-l-a-t-t-e-r?

Mr. HICKS. Yes, I do.

Mr. TAVENNER. Was he a member of your group?

Mr. HICKS. Yes.

Mr. TAVENNER. Of the Communist Party?

Mr. HICKS. He was.

Mr. TAVENNER. Do you have knowledge of his withdrawal from the Communist Party at a later date; that is, of your own personal knowledge?

Mr. HICKS. No, not of my own personal knowledge.

Mr. TAVENNER. Mr. Chairman, this is the same person mentioned previously as having withdrawn from the Communist Party in about 1939.

Mr. WALTER. As I understand it, since that time, Doctor, you have been engaged quite actively in anti-Communist work, including the writing of anti-Communist books.

Mr. HICKS. Yes; yes, sir.

Mr. TAVENNER. Were you acquainted with a person by the name of Jack Rackliffe—R-a-c-k-l-i-f-f-e?

Mr. HICKS. Yes.

Mr. TAVENNER. What was his connection with Harvard University?

Mr. HICKS. I don't really know.

Mr. TAVENNER. Was he a member of the teaching staff?

Mr. HICKS. I don't know. He—most of these people were very low in the academic ladder, and many of them were doing graduate work

at the same time they were teaching, and looking back now these 14 years, I just don't recall the details in most of the instances.

Mr. TAVENNER. Was he a member of the party?

Mr. HICKS. Yes.

Mr. TAVENNER. Of the Communist Party with you?

Mr. HICKS. Yes, he was.

Mr. TAVENNER. Do you recall George Mayberry?

Mr. HICKS. Yes.

Mr. TAVENNER. Was he a member of the Communist Party with you?

Mr. HICKS. Yes, he was.

Mr. TAVENNER. Do you recall at this time any special activity of Dr. Wendell Furry in that Communist Party group while you were there?

Mr. HICKS. No, no; I just remember him as one of the members doing what other people were doing.

Mr. TAVENNER. What was the chief concern and activity of that group of the Communist Party during the year you were there?

Mr. HICKS. Well, I think Mr. Davis stated it very well yesterday.

Mr. TAVENNER. Well, rather than to repeat matters that he testified to in particular, do you have any facts to add in addition to what he said?

Mr. HICKS. No, I think not. I think his account was adequate and accurate.

Mr. TAVENNER. Is there anything that he said about the activity of the Communist Party with which you disagreed?

Mr. HICKS. Not that I can recall.

Mr. TAVENNER. Did you personally take part in caucuses of the Teachers' Union?

Mr. HICKS. In the sense that almost every meeting of the party unit was a caucus, as I think has already been pointed out. That is, we did not hold separate caucuses because there was no need of it; we discussed Teachers' Union affairs at meeting of the party branch.

Mr. TAVENNER. Do you recall an individual by name of Louis Harap—H-a-r-a-p?

Mr. HICKS. Yes.

Mr. TAVENNER. What connection, if any, did he have with this Communist Party group?

Mr. HICKS. He was a member of the group.

Mr. TAVENNER. Will you tell how the directives or instructions from the Communist Party were transmitted to your group?

Mr. HICKS. My recollection is that they came in various ways. As a matter fact, I have often carried them myself, since I had—I was carrying on a rather wide range of Communist propaganda activities, and therefore, was likely to go into Phil Frankfeld's office, and he would tell me things he wished our group would discuss or would do.

I think Harap also acted as a kind of go-between, and there may have been others. It was pretty informal in that particular year.

Mr. TAVENNER. Were all the members of this group fairly active in the work of the party?

Mr. HICKS. I would say there was a good deal of variation. Some were much more active than others.

Mr. TAVENNER. You referred to the wide range of Communist Party activities that you were engaged in at that time. Will you explain that, please?

Mr. HICKS. Well, most of it was simply speaking at various meetings of many kinds. The fact that so much publicity had been given my appointment at Harvard led to many invitations from highly respectable organizations as well as party organizations, and during that entire year I think I spoke on an average of 2 or 3 times a week.

Mr. TAVENNER. Were those speeches made with the purpose of advancing the cause of communism generally?

Mr. HICKS. Generally, yes.

These speeches, or especially those that were given to our large non-Communist groups, were devoted chiefly to expounding the anti-Fascist position which was at the time the official position of the party and was very much my own position.

Mr. TAVENNER. Did you have occasion in carrying out that function to speak before groups of students of the college?

Mr. HICKS. Yes, at Harvard and other colleges as well.

Mr. TAVENNER. What type of groups did you speak before at Harvard—or let me change the question: Was there a Young Communist League organization at Harvard at that time?

Mr. HICKS. I believe there was.

Mr. TAVENNER. Did you appear as a speaker before it?

Mr. HICKS. Not that I can recall.

Mr. TAVENNER. Did you attend one of their meetings at any time?

Mr. HICKS. Not that I can recall.

Mr. TAVENNER. Do you know to what extent higher functionaries of the party visited that Young Communist League organization among the students at Harvard?

Mr. HICKS. Well, I have no idea.

Mr. TAVENNER. Did you discuss that with Phil Frankfeld on any occasion?

Mr. HICKS. Not that I can recall. I think the feeling was, my being an open Communist, I had better not have much to do with the YCL, at least that's the way I can recall now. Certainly I didn't have much to do with it.

Mr. TAVENNER. Now, what was the general purpose of the Communist Party in endeavoring to organize a cell or unit among the teaching profession at Harvard, or at any other university, as far as that is concerned?

Mr. HICKS. Well, I think that's a question that has to be answered on two levels, really: First, what I thought then, and second, what I think now.

May I answer it that way?

Mr. TAVENNER. Yes, sir.

Mr. HICKS. What I thought then was that the Communist Party, having had a genuine change of heart in 1934 and 1935, when the new line was adopted, was interested in carrying on the fight against fascism and in protecting democracy against fascism and had postponed into some rather indefinite future the whole idea of world revolution.

I believed that in the light of that the Communist Party was interested in reaching all people who can mold public opinion, and among these, of course, would be the teachers.

Mr. TAVENNER. And, incidentally, at that point, wouldn't the teachers be in a better position to mold public opinion among people generally both within and without the schools than almost any other class of people?

Mr. HICKS. They certainly were a very influential group, and the party was well aware of that.

Mr. TAVENNER. Pardon my interruption.

Mr. HICKS. Yes, certainly. Of course, I feel now that the party was—well, it is very obvious to me that the popular front was simply a dodge that happened in those particular years to serve the foreign policy of the Soviet Union: so it seems to me that the party, in organizing branches in the colleges, had two purposes. One was to carry out the existing line which they wanted to make a show of advancing, and then, of course, the other was to try to have a corps of disciplined revolutionaries whom they could use for other purposes when the time came.

Mr. WALTER. Did you ever come in contact with the corps of trained revolutionaries?

Mr. HICKS. In the sense that the party organizers, like Phil Frankfeld, for example, are.

Mr. WALTER. I think he would faint if anybody showed him a gun, and I am sure that is true of a great many of the revolutionaries that testified before this committee. I am just wondering, in view of these rather jacketed, hard-boiled revolutionaries, who they were.

Mr. HICKS. They were the party functionaries as a rule, the professional party members, the members who give the whole of their lives to it.

Mr. KEARNEY. In that category would you designate the group of Communists who were convicted in New York City?

Mr. HICKS. Certainly.

Mr. TAVENNER. Now, will you elaborate further upon those two methods or purposes, rather, of the Communist Party, as you understand it now?

Mr. HICKS. Well, I think the only way I can elaborate is to say that most, and perhaps all, of the men who belonged to the unit at Harvard were people who felt as I did, who were thinking of party activity in terms of the situation that then existed in the late thirties, a situation in which, to many people in this country, the great enemy was certainly Fascist Germany, and our potential ally was Soviet Russia.

I think that these people, almost without exception, felt that.

Mr. TAVENNER. Now, that was the situation as you have described it prior to, I assume you mean, the pact between the Soviet Russia and Germany, which was August 23, 1939.

Mr. HICKS. Exactly.

Mr. TAVENNER. What change occurred at that time?

Mr. HICKS. Well, after a very brief period of confusion, the party, of course, adopted its position. The fight against fascism was a secondary matter, a matter of taste, as Molotov said, and that the war as now going on was an imperialist war and that the chief aim of all Communists should be to prevent the United States from aiding England and France in their fight against Nazi Germany.

Mr. TAVENNER. Did you have any difficulty in accepting that sudden change in Communist Party line?

Mr. HICKS. I found it perfectly impossible to accept it and got out of the party within a very short time after the pact was signed.

Mr. TAVENNER. Were you concerned about it to the extent that you sought further information or advice from functionaries on a higher level?

Mr. HICKS. Yes; I went to New York, had a talk with Earl Browder, to see if he had anything to say; I mean, I didn't want to break with the party. I had given 4 years of my life to it. I didn't want to break. It was a very hard step to take. I was convinced I had to take it, but I went to talk with Browder and to see if he had anything to say that I hadn't already read in the Daily Worker.

He simply paralleled the Daily Worker line, and I came home and wrote a public letter of resignation.

Mr. TAVENNER. What he had said confirmed your opinions and judgment about the change in the party policy, in the party line?

Mr. HICKS. It made perfectly clear to me what should have been clear to me earlier, and that is that the Communist Party in the United States was wholly under the domination of the Soviet Union.

Mr. DOYLE. What year was that?

Mr. HICKS. That was September 1939, or August and September.

Mr. SCHERER. You believe that to be true today, too?

Mr. HICKS. I do.

Mr. SCHERER. Do you know whether that's true or not today?

Mr. HICKS. How do you know? I think the evidence is overwhelming.

Mr. SCHERER. I just want that as a part of the record.

Mr. KEARNEY. May I suggest that the gentlemen of the committee let counsel pursue the examination and then if the members have any questions to ask, they can ask them at the end of counsel's interrogation. It will expedite matters.

Mr. TAVENNER. Well, now, at the time you left the party for the reasons that you mentioned, there were others who had entered it with the same beliefs you had, but continued to remain in the Communist Party; isn't that true?

Mr. HICKS. I think that is true.

Mr. TAVENNER. It took some courage and determination to break bonds after once being entered into; did it not?

Mr. HICKS. I think so. It was a difficult thing to do, as I said a moment ago. There were people who were in positions which perhaps made it even more difficult; that is, where the party itself might be able to exert pressure.

In my own case it was very fortunate that I had been an open member of the party, because I had to make my decision openly. I had been saying all this about fascism being the real enemy, and now I would have had to turn right around and say the exact opposite, and of course I couldn't bring myself to do that, and there was nothing to do but break with the party. If I had been a secret member, I could have temporized for some months, worried and fretted, and then eventually come around and reconciled myself to the new party line.

Mr. TAVENNER. Well, I would like for you to give the committee the benefit of such opinion as you have, based upon your knowledge of the Communist Party and its principles, and particularly its purposes, as you have described them at this time.



Mr. HICKS. Well, I feel, as I said a moment ago, that the evidence is overwhelming; that the Communist Party in this country is and always has been dominated by the Soviet Union. I think that every member of the Communist Party is an actual or a potential agent of the Soviet Union.

I would like to stress that word "potential."

Any given individual at any given moment may not be an agent, even though he is a member of the Communist Party; that is, when a test comes, that would make him an agent, in effect, of the Soviet Union. He may break with the party, as I believe many people have done. That happens not only in moments when the party line changes. I think that has happened to individuals who were given assignments that they suddenly saw were in effect treasonous, and they would not carry such assignments out, and they quit then and there. So, as I say, you cannot at any moment, at any given moment, say a particular member of the Communist Party is an agent of the Soviet Union, but I think you can say he is potentially an agent, and that that is exactly how the Communist Party would like to use him if it could.

Mr. TAVENNER. But do you not agree that these potential agents have nevertheless a very important part to play in the development of the whole Communist scheme of things in the promulgation of the Communist Party line, among people generally, and the influencing of the public, and the public's views, upon contributions to Communist-front organizations, in which the Communist Party is interested and is using?

Mr. HICKS. Oh, I do agree, that's absolutely true. I just did not want my statement about a party member being a Soviet agent to stand unqualified. That would be unfair.

Mr. TAVENNER. Yes, I agree.

Mr. HICKS. To certain individuals.

Mr. TAVENNER. Now, knowing students at college, as you are bound to know them, and understanding the motives of the Communist Party, what is your judgment about the advisability of maintaining in a responsible position in a college a teacher who is under the directives and under the discipline of the Communist Party as you have described it?

Mr. HICKS. Well, I think there are—in most situations that is probably a very undesirable thing. I must say I would go along with Senator Taft in feeling that I would not want to make an absolute rule about that. I think there are situations in which it would be better to let a Communist keep his job than to disrupt the whole fabric of academic freedom; that is, I won't make an absolute statement to the effect that every Communist in an educational institution ought to be removed as quickly as possible.

I think each case ought to be looked into on its own merits, and the question of the damage, the kind and amount of damage the particular individual is doing should be determined, and all that should be taken into account.

Mr. WALTER. Don't you distinguish unorthodox teachings from teachings advocating the overthrow of the Government?

Mr. HICKS. Well, there is no—I'm assuming there is no evidence that this particular hypothetical Communist has been teaching the

overthrowing of the Government. If he has, then that's another matter.

Mr. KEARNEY. Counsel, proceed, and I am going to ask the members again to wait until he has finished, and then examine the witness.

Mr. TAVENNER. Do you not agree that it is potentially dangerous to permit a member of the Communist Party, who is subject to its discipline to be in a situation in a college where both in matters relating to the curriculum and his duties as a teacher and also his extracurricular activities he is in a position to influence students or other faculty members, for that matter, and likewise to become potential agents of the Soviet Union by becoming Communist Party members?

Mr. HICKS. I think it's a danger, but I'm not sure it's a very serious or grave danger.

After all, in the thirties, when the whole intellectual atmosphere was favorable to communism, there were only perhaps 10 or 12 Communists out of the faculty of hundreds at Harvard University, and these men in almost every instance have the lowest academic rank.

Now, if that is the best that communism can do in our colleges, perhaps we've been a little too worried about them. Perhaps it is not quite so serious a thing as we have been supposing.

Mr. TAVENNER. Well, can you state that it is not a serious thing if even one student at college is induced to embark upon an enterprise which may later, in later life, bring him into a situation comparable to some of those who have been prosecuted for their Communist activities?

Mr. HICKS. Of course it's serious. I think it's terribly serious. The only question is, what are you going to do to prevent it?

Now, you cannot protect all college students 100 percent. Some of them take to drink, and some of them take to communism, and lots of other things happen to them, and there's nothing that anybody on God's earth can do that will look out for all college students. I think you have to just say that is a risk you run.

Mr. TAVENNER. In other words, you are considering it, on a very small scale, as being a calculated risk?

Mr. HICKS. Yes.

Mr. TAVENNER. But would you say it should be put in a category of a calculated risk where the Communist Party teacher is a member of an organized group of the Communist Party and is functioning with others as a group?

Mr. HICKS. I think that—well, let me start over again. There again it is certainly a danger, and if there is a functioning group, a large functioning group, it can be a very serious danger against which rather drastic action may have to be taken.

On the other hand, I think we should be rather careful not to exaggerate that danger, especially in a period such as this, when most people are overwhelmingly aware of the evils of communism.

In this situation, it seems to me, it would be very hard for the most devoted Communist teacher to make very many converts.

Can I say one thing more about that? I think another thing we tend to do in our discussion of this problem is to exaggerate the persuasiveness of the Communist teacher, forgetting that for one Communist on the faculty there are a hundred to a thousand other

teachers, who, if they are as dispersuasive as he is persuasive, certainly ought to be, since they have so much better a case.

Mr. TAVENNER. But it has been demonstrated time and time again in evidence before this committee that just a small handful of Communist Party infiltration cell got control of that entire group, and would take multitudes to accomplish, and I have in mind particularly the testimony of [Matt] Cvetic, when he related what hapened in a labor union of 2,800 persons who were loyal Americans, and how this Communist Party infiltration cell got control of that entire group, and there were never more than 20 people in that group.

Mr. HICKS. Well, I have seen that sort of thing happen, and I don't want to discount it. On the other hand, it is easier to take over a trade union than it is to take over a university, a good deal easier.

Mr. TAVENNER. Were there any efforts of reprisal made against you for breaking from the party?

Mr. HICKS. Not that I know of, not that I was conscious of.

Mr. TAVENNER. During the period of your membership were any efforts made to direct you in the character of writing you performed, that you did?

Mr. HICKS. There were efforts made, but when I resisted them, I had no trouble.

Mr. TAVENNER. What was the nature of the effort that was made?

Mr. HICKS. To make them conform more closely to what was then the party line. I mean, I was following the party line, you understand, and I though I had as much right to my interpretation of it as the other people did, and—but they, in a few instances, I can recall, suggested that I should change this, or do that, but when I said "No," that was the end of it. I was in a rather fortunate position.

Mr. TAVENNER. Can you give us an illustration of instances, specific instances, where an effort was made to direct your writing?

Mr. HICKS. The one that comes to mind because I have often quoted it as a joke came when I did a review of the Book of Selections on Marxism for the Communist, the official theoretical magazine of the party. In the course of the review I remarked on the fact that Marx and Lenin were very vivid writers as well as being great theoreticians, and so on.

I received a telegram from V. J. Jerome asking what about Uncle Joe, meaning I had left out Stalin, and praise of Stalin was becoming obligatory in the Communist, as well as the papers in Russia. Since I happened to think one of the greatest—one of the real evils that Stalin has brought is the corruption of the style of the Communist word, I wrote back, wired back, "nothing doing," and the review went as I had written it.

That is a very trivial incident.

Mr. TAVENNER. What has been the general nature of your opposition to the Communist Party since severing your connection with it—

Mr. HICKS. Well, I—

Mr. TAVENNER. In 1939?

Mr. HICKS. I have written very extensively in magazines, from the very beginning. I have written in the Nation, in the New Republic, Harpers, Commentary, and Partisan Review. I am on the editorial board of the New Leader, which is a leading anti-Communist paper.

I have also done a good deal of lecturing on the subject here and

there. I've introduced the theme of anticommunism in several of the books I have written in this period. I've been active—not very active because of my remoteness from New York, but I have taken part in the work of the Americans for Democratic Action and the American Committee for Intellectual Freedom.

I think that is a rough summary.

Mr. TAVENNER. I believe that is all, Mr. Chairman.

Mr. KEARNEY. Any questions?

Mr. CLARDY. Just one: He mentioned the Americans for Democratic Action, which arouses my interest.

Where did you slash that from the line of fronts?

Mr. HICKS. Well, I think that is and always has been a leading anti-Communist group of left, liberal intellectuals. It was formed, after all, in the very beginning as an organization in which people of liberal and progressive ideas—to which they could belong and fight communism at the same time they were fighting for the particular causes that they had in mind. It was—it was very scrupulous from the very beginning to keep all Communists out of it.

Mr. CLARDY. But it followed a party line, almost identical in many particulars with the Communist Party line, was it not?

Mr. HICKS. That I think is mistaken—I think you will find ADA had disagreed with the Communist Party line again and again and again.

Mr. CLARDY. I would offer to show you my diagram.

Mr. KEARNEY. Mr. Walter.

Mr. WALTER. Well, as a matter of fact, the Communist is not eligible for membership in the ADA?

Mr. HICKS. Exactly.

Mr. WALTER. Now, you said a moment ago we perhaps were too worried about the menace—that is, the menace of communism—and exaggerated the situation. If that is true, don't you feel that an atmosphere of fear is created throughout the United States which is not healthy.

Mr. HICKS. I think that's absolutely true. The question is: How was it created?

Mr. WALTER. How is it created?

Mr. HICKS. How was it created; yes.

Mr. WALTER. Now, I don't think there is any question about how it was created, but how can we make the American people understand that the might and majesty of this great republic will not be abused so that innocent, frustrated idealists, if you please, are not destroyed at a time when congressional committees are conducting a legitimate duty?

Mr. HICKS. I'm afraid I don't understand where that question gets to. I—I think the fear in this country is in part a very real and understandable fear of the Soviet Union and its agents. It is a fear that we should all share. It is a perfectly real thing.

Over and above that, I think there is a mood of rather vague apprehension that is not rational and that is dangerous, and I do feel that that mood of irrational apprehension has been encouraged in part by congressional—I will say legislative investigating committees.

Mr. WALTER. Well, what can be done to make the people realize that this committee, at least—I don't know about the others, but I assume they have a similar desire—are in search of knowledge for perfectly

legitimate reasons. Now, I am inclined to agree with you that we are exaggerating the situation now, particularly in the light of recent events—Korea, and then the anti-Semitic movement, which is widespread in Russia. I am sure that the Communist Party membership has been reduced considerably—certainly the eggheads have all gotten out of it—and I just can't imagine intellectuals believing that in the Communist movement in the United States there is anything that even resembles the solution for our economic problems. I think that's true.

Mr. HICKS. Oh, I agree.

Mr. WALTER. All right. Now, then, if that is the fact, what can this committee do to make the American people believe, outside of the mistakes that are made, understand, that we are not determined to search into men's minds for ideas, but that we want to know what the extent of this menace is?

Now, you say it is exaggerated. You say we are too worried, and I think it is our job to find out if that is the fact.

Mr. HICKS. Well, for some reason, the emphasis in all these investigating committees always falls on the fact of how much communism there is and never on how little there is.

Mr. WALTER. That's right.

Mr. HICKS. It seems to me I have been sitting around here for 2 days in which it has been demonstrated that there were 10 or 12 Communists at Harvard 14 years ago and that perhaps there is one still there.

Now, I would honestly think if you could just say to the public, "Look, that's all," instead of saying, "Look how much that is; isn't that terrible?" you might do a good deal to allay the fear that is sweeping over this country.

Mr. KEARNEY. That statement I thoroughly agree with.

Mr. CLARDY. Maybe we will on this before we get through. We have only started.

Mr. KEARNEY. Mr. Doyle.

Mr. DOYLE. I made a note, as you testified, and you briefly said this: That you had concluded that they have postponed their idea of world revolution.

That is one point you made, and then another point: You said, "I feel now that front was merely a dodge, but they had determined to have a corps of trained revolutionaries."

Do you remember using substantially—

Mr. HICKS. Yes.

Mr. DOYLE. Such language?

Mr. HICKS. Yes; I do.

Mr. DOYLE. When you say "revolutionaries" in that connection, was it your experience, as an active member, public member, of the Communist Party that the Communist Party in America was advocating then the use of force and violence, even indefinitely, some time in the future, that that might be necessary?

Mr. HICKS. The Communist Party at that time certainly was not advocating the use of force and violence. I think that always in the background there was that possibility as part of the whole Marxist concept. It was being soft-pedaled, however, in the period 1935 to 1939. It was, I think, never mentioned in the general—in general publications of the Communist Party.

I would like to say one more thing about that: That even speaking about trained revolutionaries does not go far enough today. When we speak of trained revolutionaries, we're thinking—at least I'm thinking—of the sort of thing that Lenin recommended when he was building up the Bolshevik Party in Russia. What we have today, what the party is looking for today, it seems to me, is simply not even trained revolutionaries, but dependable agents.

Mr. CLARDY. The what?

Mr. HICKS. Dependable agents—agents of the Soviet Union.

Mr. CLARDY. Agents of what?

Mr. HICKS. Agents. They are looking for dependable agents of the Soviet Union.

Mr. DOYLE. Well, may I state this to you briefly—the ground work for my last question so you will understand the purport of the question more clearly: I was in Japan and Korea, Kwangtung, Formosa, Okinawa, Hong Kong, a couple months ago for Congress and while I was in Korea those few days, and in Japan, and elsewhere, I asked our American Intelligence, also some other intelligence, whether or not, in their judgment, the military aggression in Korea, in Indochina, Indonesia, was part or had any definite relationship to the subversive Communist Party program in the United States of America. And a hundred percent of those men all said, "Yes. It's part and parcel of the same international conspiracy."

Now, having made that report to you, I want to ask you whether or not you have any opinion, based upon your knowledge, whether or not trying to get these Communists who, as you say, would be Soviet agents rather than Soviet revolutionaries, whether or not in your judgment the Communist Party program in the United States of America today is the agent of Soviet Russia.

Mr. HICKS. I believe that it is, and there's no question in my mind that it is to be combated. The only question is how do you combat it most effectively and, in the course of doing so, do a minimum of damage to our American institutions.

Mr. DOYLE. Well, now, Mr. Chairman, may I ask this final question then: Have you any suggestion or recommendation to make to this committee on the question of legislation?

Mr. HICKS. No; I have not on legislation. The only suggestion I have to make is the one I already made.

Mr. DOYLE. Thank you.

Mr. KEARNEY. Mr. Frazier.

Mr. FRAZIER. No questions.

Mr. KEARNEY. Mr. Walter, I interrupted you on a question.

Mr. WALTER. Well, I was just leading up to my last question.

At any rate, of those who now remain in the Communist Party, they are, in fact, representatives of the Soviet and agents of the Soviet with their allegiance there first?

Mr. HICKS. I made the distinction earlier—

Mr. WALTER. Yes.

Mr. HICKS. That they are either actual or potential agents. I think that now, after all that has happened, the chances are that most of them are actual, not potential, but I still think that you have to allow that much margin of doubt.

Mr. WALTER. Well, then, can't this whole thing be dealt with adequately by making it a crime to be a Communist Party member and

just arrest people, prosecute them for membership in the Communist Party, instead of searching all over the lot?

Mr. HICKS. I have sometimes felt that that was certainly the answer and would be much simpler. How much damage that would do, I don't know. I mean, whether that would again give the impression that this big country is too much worried over a little party—it would be a simpler and, in many ways, I think, a more satisfactory way of handling the problem than what we've had in the last 2 or 3 years.

Mr. KEARNEY. No matter which way it was done, somebody would be bound to be hurt?

Mr. HICKS. Somebody will be hurt. There's no getting around it. I mean, innocent people will be hurt.

Mr. DOYLE. May I ask this: Do you say that you are suggesting possibly outlawing the Communist Party?

Mr. HICKS. I am saying I have had times when I felt that was the only possible solution.

Mr. KEARNEY. That's all Doctor; and, on behalf of the committee, I want to thank you for your contribution you have made here before us today. If counsel has no further questions, you are excused.

Mr. HICKS. Thank you very much.

Mr. KEARNEY. The committee will take a recess until 10 o'clock tomorrow morning.

The witnesses who have been subpoenaed will report in room 226.

(Whereupon, at 4:29 p. m. the hearing was recessed until 10 a. m., Friday, February 27, 1953.)





# METHODS OF COMMUNIST INFILTRATION (EDUCATION)

FRIDAY, FEBRUARY 27, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

EXECUTIVE SESSION <sup>5</sup>

A subcommittee of the Committee on Un-American Activities continued its hearing, pursuant to recess, at 11:10 a. m., in room 226, Old House Office Building, Hon. Harold H. Velde(chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Donald L. Jackson, Kit Clardy, Francis E. Walter, Clyde Doyle, and James B. Frazier, Jr.

Staff members present: Frank S. Tavenner, Jr., counsel; and Donald T. Appell, investigator.

Mr. VELDE. Counsel, will you call the witness.

Will you stand and be sworn? Raise your right hand. In the testimony you are about to give before this committee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUNHAM. I do.

Mr. VELDE. Let the record show at this point that present are Mr. Jackson, Mr. Clardy, Mr. Walter, Mr. Doyle, Mr. Frazier, and the Chairman.

Mr. TAVENNER. What is your name, please?

## TESTIMONY OF BARROWS DUNHAM, ACCOMPANIED BY HIS COUNSEL, PHILIP DORFMAN

Mr. DUNHAM. My name is Barrows Dunham, B-a-r-r-o-w-s D-u-n-h-a-m.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. DUNHAM. I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. DORFMAN. My name is Philip Dorfman, D-o-r-f-m-a-n, 820 Lewis Tower Building, Philadelphia, Pa.

Mr. TAVENNER. The conditions are rather crowded in the room, and if in the course of your testimony you desire to speak privately with your counsel outside of the room, you may be permitted to do that.

Will you please state your present address, Mr. Dunham?

Mr. DUNHAM. 127 Bentley Avenue, B-e-n-t-l-e-y, Cynwyd, Pa., C-y-n-w-y-d.

<sup>5</sup> The interrogation of Barrows Dunham, held in executive session, was released to the press on the same day, February 27, 1953.

Mr. TAVENNER. When and where were you born?

Mr. DUNHAM. Mr. Tavenner, at this point I shall seek the protection of the fifth amendment and decline to answer that question on the ground that it may tend to incriminate me.

Mr. JACKSON. Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. I ask that the witness be directed to answer that question as being part of the necessary identification of that witness.

Mr. WALTER. May I suggest that the question be divided in two? When were you born?

Mr. DUNHAM. I give the same answer as before.

Mr. TAVENNER. Mr. Chairman, I suggest that you direct the witness to answer the question.

Mr. VELDE. The witness is directed to answer the question which the Chair feels is a proper question in order to identify the witness.

Mr. DUNHAM. I was born on the 10th of October, 1905.

Mr. TAVENNER. Where?

Mr. DUNHAM. Mount Holly, N. J.

Mr. CLARDY. These unfamiliar names are rather hard to get.

Mr. TAVENNER. Will you spell the last name, please?

Mr. DUNHAM. H-o-l-l-y.

Mr. TAVENNER. We will appreciate it if you will raise your voice a little bit. It is difficult to hear.

Will you state for the committee, please, what your educational training has been; that is, your formal educational training?

Mr. DUNHAM. I plead my constitutional immunity again, sir.

Mr. TAVENNER. I suggest the witness be directed to answer the question.

Mr. VELDE. The witness is directed to answer this question.

Mr. DUNHAM. I stand on the same grounds, Mr. Chairman.

Mr. VELDE. What grounds are those, Mr. Dunham?

Mr. DUNHAM. On the ground that the answer to that question may tend to incriminate me.

Mr. WALTER. Do we want to waste any more time?

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Jackson?

Mr. CLARDY. Does the record show clearly that on this question he is commanded to give a direct answer?

Mr. VELDE. Yes. Mr. Jackson?

Mr. JACKSON. It would be my suggestion, Mr. Chairman, as far as I am concerned, that those questions which are necessary for proper identification of the witness be asked, and the directions be made a part of the record and the declination to answer be made a part of the record, so that if it is necessary, any subsequent action may be taken by the committee.

Mr. VELDE. The Chair rules that you will proceed to make the necessary interrogations to identify the witness, occupation, and so forth.

Mr. TAVENNER. What is your present occupation?

Mr. DUNHAM. I decline to answer on the grounds that I gave before.

(Representative Francis Walter left the hearing room at this point.)

Mr. TAVENNER. I suggest that the witness be directed to answer the question.

Mr. VELDE. The witness is directed to answer the question.

Mr. DUNHAM. My answer is the same, Mr. Chairman.

Mr. CLARDY. What do you mean by "the same"?

Mr. DUNHAM. I mean that under the fifth amendment I decline to answer on the ground that the answer may tend to incriminate me.

Mr. TAVENNER. I have no further questions, Mr. Chairman, in light of the witness' answers.

Mr. VELDE. Do you have any further questions?

Mr. JACKSON. No, I have no further questions.

Mr. CLARDY. I have none.

Mr. FRAZIER. No questions.

Mr. DOYLE. No questions.

(Whereupon the witness was excused and the subcommittee remained in executive session in the furtherance of its business.)



# INDEX

## INDIVIDUALS

	Page
Blum, Emanuel	83
Boorstin, Daniel J.	36, 47-62 (testimony), 104
Bridges, Harry	74
Browder, Earl	30, 75, 77, 79, 81, 108
Clark, Margot	8, 9, 35
Cvetie, Matt	111
Davies, Rev. Dr. A. Powell	44
Davis, Benjamin J., Jr.	84
Davis, Robert Gorham	1-44 (testimony), 57, 58, 61, 104, 105
Dennis, Eugene	82, 83
Dmytryk, Edward	3
Dodd, Bella	22
Dorfman, Philip	117
Douglas, Dorothy W.	23, 25, 38
Dunham, Barrows	117-119 (testimony)
Forer, Joseph	62, 78
Foster, William Z.	29, 30
Frank, Richard	30
Frankfeld, Phil	8, 9, 10, 28, 33, 34, 58, 59, 105, 106, 107
Furry, Wendell H., Dr.	37, 62-95 (testimony), 103, 105
Gates, John	84
Goodwin, Richard M.	36, 53, 56
Gordon, Hy	8, 9, 35
Haldane, Prof. J. B. S.	69, 72
Hall, Gus	84
Green, Gilbert	84
Halperin, Israel	37, 56, 66, 68, 71, 72, 104
Harap, Louis	7, 11, 105
Hendley, Charles	22
Hicks, Granville	33, 36, 53, 54, 56, 95-115 (testimony)
Hook, Sidney	38
Jerome, V. J.	33, 111
Joliot-Curie, Mme. Irene	76
Kuhn, Fritz	81
Lathrop (Lothrop), Rev. Donald G.	85
Lattimore, Owen	59
Lawson, John Howard	100
Loonin, Gordon, Capt.	68
Lothrop, Rev. Donald G. ( <i>See</i> Rev. Donald G. Lathrop.)	
Lumpkin, Katherine	23, 38
McGarvey, Hulda	21, 25
Matthiessen, F. O.	101
May, Allan Nunn	67
Mayberry, George	36, 105
Medina, Judge	84
Miscell, Prof. Donald	87
Oxnam, Bishop [G. Bromley]	42, 44
Parry, William	7, 35
Pelley, William Dudley	81
Philbrick, Herbert	69
Potash, Irving	84
Rackliffe, Jack	36, 56, 104
Reynolds, John Henry	36
Robbins, Herbert	37

	Page
Sayre, Very Rev. Francis B., Jr.-----	44
Schlatter, Richard-----	36, 53, 56, 57, 104
Schulberg, Budd-----	3
Sheer, Rubby-----	37
Sillen, Samuel-----	22
Smith, Gerald L. K-----	81
Stachel, Jack-----	19, 20, 22, 24
Stern, Bernhard-----	97, 98, 100
Thompson, Robert G-----	84
Van Black, Prof. J. H.-----	73
Wilkerson, Doxie-----	21
Williamson, John B.-----	84
Winston, Harry-----	84
Winter, Carl-----	84
Wortis, Dr.-----	38

## ORGANIZATIONS

American Association for the Advancement of Science-----	63, 65, 66
American Association of Scientific Workers-----	63, 65, 66, 68
American Association of University Professors-----	30
American Committee for Intellectual Freedom-----	112
American Committee for Protection of Foreign-Born-----	85-87
American Federation of Teachers (A. F. of L.) ( <i>see also</i> Teachers' Union)-----	10, 20, 22, 23, 30, 31, 54
American Federation of Labor-----	10, 54
American Jewish Congress-----	34
American League Against War and Fascism-----	26
American Peace Mobilization-----	27, 55
American League for Peace and Democracy-----	9, 26, 27, 55
American Youth for Democracy-----	69
American Writers Congress ( <i>see also</i> Congress of American Writers)-----	99
Americans for Democratic Action-----	112
British Association for the Advancement of Science-----	72
California Institute of Technology-----	62
Cambridge Union of University Teachers-----	11
Civil Rights Congress-----	68, 69, 79, 83, 87
Committee to Defend the Eleven [Communist] Defendants-----	92
Congress of American Writers ( <i>see also</i> American Writers Congress)-----	97, 98
DePauw University-----	62
German-American Bund-----	81, 88
Harvard (University) (College)-----	4, 6, 7, 10, 12, 14, 16, 24, 30-32, 37, 48, 52-56, 63-66, 71, 73, 74, 78, 84, 88, 94-96, 101, 103, 104, 106, 110.
Harvard Teachers' Union ( <i>see also</i> Teachers' Union)-----	54
Hillel Foundation-----	51
International Longshoremen and Warehousemen's Union-----	74
John Simon Guggenheim Memorial Foundation-----	72
Joint Anti-Fascist Refugee Committee-----	76, 77
League of American Writers-----	38, 98
League of Nations-----	5
Lend-Lease Administration-----	48
Massachusetts Federation of Teachers-----	25
Massachusetts Institute of Technology-----	63, 64, 87, 88
National Education Association-----	30
National Federation of Constitutional Liberties-----	74
National Federation of Teachers-----	21, 25
National Research Council-----	62
Naval Research Laboratory-----	87
Naval Research Bureau-----	87
Oxford University-----	48-50, 53
Progressive Book Shop-----	8
Radcliffe College-----	48
Rensselaer Polytechnic Institute-----	4, 96-100
Royal Canadian Commission-----	67
Samuel Adams School-----	69

	Page
Scientific and Cultural Conference for World Peace.....	38
Screen Writers' Guild.....	3
Silver Shirts.....	81, 88
Simmons' College.....	25
Smith College.....	3, 15, 21, 23, 25, 38, 96
Swarthmore College.....	48
Subversive Activities Control Board.....	91
Teachers' Union.....	9, 10-13, 17-19, 21-25, 30, 38, 54, 55, 63, 71, 88, 105
University of California.....	62
University of Chicago.....	48, 51
University of Illinois.....	62
Yanks Are Not Coming Committee.....	27
Young Communist League.....	16, 30, 32, 106
Wellesley College.....	25
Yale University.....	48, 52

## PUBLICATIONS

Commentary.....	38, 111
Daily Worker.....	22, 35, 52, 59, 74, 75, 78, 82, 84, 85, 86, 108
Jewish Affairs.....	7, 11
Harper's.....	111
London Worker.....	69
Masses and Mainstream.....	22
Nation.....	111
New Leader.....	38, 111
New Masses.....	96, 97, 99, 100
New Republic.....	111
New York Times.....	38
Partisan Review.....	38, 111
Science and Society.....	28, 37
The Worker.....	74





100-15-15

# COMMUNIST METHODS OF INFILTRATION (EDUCATION—PART 2)

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## HEARING

BEFORE THE

S. Congress

## COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES

EIGHTY-THIRD CONGRESS

FIRST SESSION

---

MARCH 12, 13, 17, 18, APRIL 14 AND 16, 1953

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Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1953

## COMMITTEE ON UN-AMERICAN ACTIVITIES

### UNITED STATES HOUSE OF REPRESENTATIVES

HAROLD H. VELDE, Illinois, *Chairman*

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FRANCIS E. WALTER, Pennsylvania

DONALD L. JACKSON, California

MORGAN M. MOULDER, Missouri

KIT CLARDY, Michigan

CLYDE DOYLE, California

GORDON H. SCHERER, Ohio

JAMES B. FRAZIER, Jr., Tennessee

ROBERT L. KUNZIG, *Counsel*

FRANK S. TAVENNER, Jr., *Counsel*

LOUIS J. RUSSELL, *Chief Investigator*

THOMAS W. BEALE, Sr., *Chief Clerk*

RAPHAEL I. NIXON, *Director of Research*

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, \* \* \**

## PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

### RULE X

#### STANDING COMMITTEES

\* \* \* \* \*

17. Committee on Un-American Activities, to consist of nine Members.

### RULE XI

#### POWERS AND DUTIES OF COMMITTEES

\* \* \* \* \*

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

## RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

\* \* \* \* \*

### RULE X

#### STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

\* \* \* \* \*

(q) Committee on Un-American Activities, to consist of nine members.

\* \* \* \* \*

### RULE XI

#### POWERS AND DUTIES OF COMMITTEES

\* \* \* \* \*

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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## CONTENTS

---

	Page
March 12, 1953, testimony of Abraham Glasser-----	125
March 13, 1953, testimony of—	
Byron Thorwell Darling-----	129
Dorothy W. Douglas-----	154
March 17, 1953, testimony of Hulda Rees Flynn-----	161
March 18, 1953, testimony of Abraham Glasser-----	179
April 14, 1953, testimony of Daniel Fine-----	223
April 16, 1953, testimony of Wendell Hinkle Furry-----	245



## COMMUNIST METHODS OF INFILTRATION (Education—Part 2)

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THURSDAY, MARCH 12, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

### PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to call, at 10:50 a. m., in room 429, Old House Office Building, Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Bernard W. Kearney, Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Francis E. Walter, Clyde Doyle, and James B. Frazier, Jr.

Staff members present: Robert L. Kunzig, counsel; Frank S. Tavenner Jr., counsel; Louis J. Russell, chief investigator; Raphael I. Nixon, director of research; James A. Andrews and Earl L. Fuoss, investigators; and Thomas W. Beale, Sr., chief clerk.

Mr. VELDE. The meeting will come to order.

Let the record show Mr. Kearney, Mr. Jackson, Mr. Clardy, Mr. Scherer, Mr. Walter, Mr. Doyle, Mr. Frazier, and the chairman present and constituting a quorum.

Mr. Counsel, proceed.

Mr. KUNZIG. Mr. Abraham Glasser, please step forward.

Mr. Glasser, will you please be sworn?

Mr. VELDE. Would you raise your right hand?

Mr. GLASSER. I would like to be sworn on my own Bible, Mr. Chairman. May I do that?

Mr. VELDE. Certainly.

In the testimony you are about to give, do you solemnly swear you will tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. GLASSER. I do.

### TESTIMONY OF ABRAHAM GLASSER

Mr. KUNZIG. Mr. Glasser, are you accompanied by counsel?

Mr. GLASSER. I am not accompanied by counsel.

Mr. KUNZIG. Will you explain the situation?

Mr. VELDE. You may be seated, Mr. Glasser.

Mr. GLASSER. I prefer to testify standing up, if I may, Mr. Chairman.

Mr. VELDE. Proceed.

Mr. GLASSER. Is there any objection to that?

Mr. VELDE. No, sir.

Mr. GLASSER. I am not accompanied by counsel for the following reasons: My counsel is Leonard B. Boudin of New York City. Mr. Boudin accompanied me to Washington yesterday on the Congressional. We reached Washington about 8 o'clock. He proceeded to the place where he was staying, and my wife and I went to our hotel. Then we joined Mr. Boudin about 9:30 and walked in to find he was on the long-distance telephone, having just received a telephone call from the hospital where his wife is a patient. The news to Mr. Boudin was that his wife had been very, very seriously stricken and was possibly in a—in danger of death.

Now, I told Mr. Boudin I thought he should immediately go to her up in Connecticut and I would either appear without counsel or would attempt to get an adjournment.

Now, Mr. Boudin wrote out a quick note to me setting forth the facts, listing the name of the hospital, the name of the doctor, which I think the committee has probably seen by now. I furnished that note to Mr. Kunzig this morning.

Mr. KUNZIG. That is correct, sir. I read the contents of that note to the committee.

Mr. GLASSER. Now, I prefer—in fact, I think I take the position that I would decline to proceed without counsel. Of course, if the committee forces me to proceed, I would—I would then have to consider the situation.

I respectfully request that the committee wait. It won't be more than a few days, I am sure, until Mr. Boudin's situation is clarified, and—

Mr. VELDE. What is your recommendation, Mr. Counsel?

Mr. KUNZIG. May I be heard on this, Mr. Chairman?

Mr. VELDE. Yes, sir.

Mr. KUNZIG. As you know, I am new here, but I would like to state my viewpoint on this.

In the interest of fairness, I feel that this committee should—and I earnestly urge this committee—grant a continuance in this case.

Mr. WALTER. For how long?

Mr. KUNZIG. Say the beginning of next week, at the discretion of the committee.

Mr. KEARNEY. Mr. Chairman.

Mr. VELDE. Mr. Kearney.

Mr. KEARNEY. I would suggest the continuance be granted the witness until next Wednesday.

Mr. GLASSER. Pardon.

Mr. KEARNEY. Until next Wednesday.

Mr. CLARDY. I concur in that.

Mr. VELDE. Mr. Glasser, would it be possible and probable that you would be able to obtain new counsel or your present counsel by next Wednesday?

Mr. GLASSER. Of course, it is possible to obtain new counsel, always.

Mr. Boudin and I have been in skull practice on this thing for about—well, since I was served a subpoena on February 10. We happen to be neighbors and we're literally—almost literally—in daily



conference over this entire period. We have developed a team feeling on it which would be hard to supplant with other counsel.

But naturally I don't expect that the unavailability of my counsel for an indefinite time should be taken by this committee as a reason for not calling me at all. I realize that.

Mr. WALTER. Mr. Chairman, may I ask a question?

Mr. VELDE. Mr. Walter.

Mr. WALTER. What do you mean by "skull practice"? You weren't arranging some sort of an act to put on, were you?

Mr. GLASSER. Skull practice, sir, is a term from football.

Mr. WALTER. Yes; I understand that very well.

Mr. GLASSER. And I meant we were preparing.

Mr. VELDE. Well, Mr. Glasser, the committee has always, with every witness, granted the right to that witness to have counsel to appear and consult with the witness, and in this particular case we will grant you the same privilege which has in the past been granted.

So, this meeting is adjourned until next Wednesday, at which time your subpoena is continued.

Mr. GLASSER. May I ask a question, Mr. Chairman?

May I ask a question, or are you already adjourned?

Mr. VELDE. No. Go ahead.

Mr. GLASSER. My question is this: Mr. Boudin furnished to the committee's counsel earlier this week a final page proof of a statement that was prepared by him concerning my case, and filed by him. Now, I have with me the final print in numerous copies of that statement. If there is some way, through my hand, that statement could be made available to this committee, without the significance in the legal sense being attached thereto that I am making a submission or an averment, then, on behalf of Mr. Boudin, I would like to supply the committee with the statement.

Mr. VELDE. Well, Mr. Glasser, that statement you refer to will be considered by the committee when you appear here ready to testify with counsel.

Mr. GLASSER. I merely meant, sir, as of this moment the committee is in possession of only one copy. I would like, if it is possible, as I said, to arrange giving the committee additional copies without that being construed as an act by me, an act of testifying.

You see, sir, I wanted to ask to do this before I took the oath.

Mr. VELDE. We will hear no more of your testimony until next Wednesday, and until that time the meeting is adjourned.

(Whereupon, at 10:56 a. m., the hearing was recessed until 10 a. m., Friday, March 13, 1953.)



## COMMUNIST METHODS OF INFILTRATION (Education—Part 2)

---

FRIDAY, MARCH 13, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

### PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to recess, at 10:33 a. m., in room 429, Old House Office Building, Honorable Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Bernard W. Kearney, Donald L. Jackson, Kit Clardy, Gordon H. Scherer (appearance noted in transcript), Francis E. Walter, and Clyde Doyle.

Staff members present: Robert L. Kunzig, counsel; Louis J. Russell, chief investigator; Raphael I. Nixon, director of research; James A. Andrews and Earl L. Fuoss, investigators; and Thomas W. Beale, Sr., chief clerk.

Mr. VELDE. The meeting will come to order.

Mr. KUNZIG. Mr. Darling.

Would you be sworn, Mr. Darling, please?

Mr. VELDE. Raise your right hand.

In the testimony you are about to give before this committee, do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DARLING. I do.

Mr. KUNZIG. Mr. Darling—

Mr. VELDE. Let the record show at this point a quorum of the committee is present, consisting of Mr. Kearney, Mr. Jackson, Mr. Clardy, Mr. Walter, Mr. Doyle, and the chairman.

### TESTIMONY OF BYRON THORWELL DARLING, ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER

Mr. KUNZIG. Mr. Darling, will you state your full name?

Mr. DARLING. My full name is Byron Thorwell Darling.

Mr. KUNZIG. Are you represented by counsel, Mr. Darling?

Mr. DARLING. I am.

Mr. KUNZIG. Would counsel please identify himself?

Mr. FORER. Joseph Forer, 711 14th Street NW., Washington, D. C.

Mr. KUNZIG. Mr. Darling, what is your present address?

Mr. DARLING. My present address is 1870 North Fourth Street, Columbus, Ohio.

Mr. KUNZIG. And when and where were you born?

Mr. DARLING. I was born in Napoleon, Ohio, on January 4, 1912.

Mr. KUNZIG. What is your present occupation?

Mr. DARLING. I am at present a theoretical physicist at Ohio State University.

Mr. KUNZIG. Are you a teacher there, professor?

Mr. DARLING. Professor.

Mr. KUNZIG. Would you furnish the committee with a résumé of your educational background?

Mr. DARLING. Starting—

Mr. KUNZIG. About high school.

(Representative Gordon H. Scherer entered the hearing room at this point.)

Mr. DARLING. Well, I graduated from high school in—from Crane Technical High School in Chicago in 1929; and in 1930 I went to the University of Illinois and was a student there until 1936; and then I went to the University of Michigan and was a student there until 1938; and then I went to the University of Wisconsin and was a student there from 1938 to 1939, at which time I returned to the University of Michigan and received my doctor's degree; and then I was an instructor, mathematics, at Michigan State College from 1940 to 1941.

Mr. KUNZIG. Now, may I interrupt right there and say: Would you tell the committee why you terminated your employment with Michigan State College?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Well, I realized that we were about to become involved in a war and I went to work in industry.

Mr. KUNZIG. While employed at Michigan State, did you engage in the distribution of Communist Party literature?

Mr. DARLING. I refuse to answer the question, basing myself on the rights under the first amendment and the privilege under the fifth amendment.

Mr. VELDE. What privilege do you refer to in the fifth amendment?

Mr. DARLING. In the fifth amendment?

Mr. VELDE. Yes.

Mr. DARLING. I refer to the fact that a witness may not give testimony against himself.

Mr. KUNZIG. Well, now, when you left Michigan State, did the fact that it had been alleged that you distributed Communist Party literature have anything to do with your leaving?

Mr. DARLING. I refuse to answer that question for the same reason.

Mr. CLARDY. Counsel, I have a question at that juncture, if I may.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Isn't it true, Witness, that subsequent to your leaving you sought to obtain a recommendation from the college at East Lansing and they refused to give you such recommendation?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Well, I don't recall.

Mr. CLARDY. You don't recall making the application for a recommendation?

Mr. DARLING. No; I don't—would you state that—what recommendation is that again?

Mr. CLARDY. When you sought to obtain a teaching job at some place after you left the college at East Lansing, Michigan State College, did you not ask someone at East Lansing for a character

or other reference as to your teaching ability so that you might obtain a job somewhere else, and was that not refused to you?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I don't remember.

Mr. KEARNEY. Witness, you understand you are under oath?

Mr. DARLING. Yes.

Mr. KEARNEY. And can you answer the Congressman's question definitely?

Mr. DARLING. The best I can say is that I don't recall.

Mr. CLARDY. No recollection of it whatever?

Mr. DARLING. No recollection of it.

Mr. CLARDY. Then you wouldn't at present deny the fact that it was refused to you? You wouldn't make a categorical denial at this moment?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No; of course not.

Mr. CLARDY. What is that?

Mr. DARLING. No.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Well, then, Mr. Darling, we were up to Michigan State. Would you carry on from there to your employment and your teaching?

Mr. DARLING. Well, after the—the next I went to the University of Wisconsin in 1946, and was there until February 1947; and then I went to the Yale University until the end of the semester.

Mr. KUNZIG. And where—

Mr. DARLING. And then, after that, I came to Ohio State University to teach.

Mr. KUNZIG. And you are still at Ohio State?

Mr. DARLING. I am still at Ohio State University.

Mr. KEARNEY. Were you ever discharged from any university at which you taught for alleged Communist activities?

Mr. DARLING. I refuse to answer that question for the aforementioned reason.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. KUNZIG. Were you ever connected with the Pennsylvania State College in a war-training program?

Mr. FORER. Excuse me just a moment.

Mr. KUNZIG. I'm sorry. Go right ahead.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I'd like to change my answer to that last question and state that to the best of my knowledge I never was.

Mr. KEARNEY. Never was what?

Mr. DARLING. Would you put the question again?

Mr. KUNZIG. Shall we have it repeated?

Mr. KEARNEY. Yes.

Mr. KUNZIG. Will you read the question?

(The reporter read the question as follows: "Were you ever discharged from any university at which you taught for alleged Communist activities?")

Mr. KUNZIG. My next question is—

Mr. VELDE. Just a minute. Let the witness answer this question.

Mr. KUNZIG. Pardon me, sir.

Mr. DARLING. Well, to the best of my knowledge, my answer is "No." I don't recall.

Mr. WALTER. Were you discharged from Michigan State College because of alleged Communist activities on your part?

Mr. DARLING. As far as I can remember—

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Well, I'd say not so far as I know.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Now, were you ever connected with Pennsylvania State College in one of those war-training programs?

Mr. DARLING. Yes; I was in the summer of 1941, I believe.

Mr. KUNZIG. In what capacity?

Mr. DARLING. I was teaching.

Mr. KUNZIG. Now, would you furnish the committee with a résumé of your employment other than universities?

Mr. DARLING. I was employed at Western Electric Co. in Chicago in 1929 to 1930, and then I was employed at the United States Rubber Co. in Detroit from 1941 to 1946.

Mr. KUNZIG. Now, under what circumstances did you transfer to Yale University?

Mr. DARLING. I was transferred to Yale University when Professor Breit's group transferred there.

Mr. KUNZIG. Is that Dr. Gregory Breit?

Mr. DARLING. That is Dr. Gregory Breit.

Mr. KUNZIG. When you left Wisconsin and went to Yale with Dr. Breit, did any other professors leave the University of Wisconsin and accompany Dr. Breit to Yale?

Mr. DARLING. I believe no other professors left.

Mr. KUNZIG. Were there any students that left?

Mr. DARLING. Yes; there were other students that left.

Mr. KUNZIG. Was Paul Zilsel one?

Mr. DARLING. Yes.

Mr. KUNZIG. Do you know his present address?

Mr. DARLING. His present address is the University of Connecticut.

Mr. KUNZIG. Mr. Darling, were you ever acquainted with Gerald Edward Brown?

Mr. DARLING. Yes.

Mr. KUNZIG. Did he also accompany you to Yale?

Mr. DARLING. I—yes; I think he did. I don't remember whether or not he was a member of the—our group at Wisconsin or whether he was at Yale. I think he was at Wisconsin.

Mr. KUNZIG. Well, now, when you used the expression "our group," just what do you mean by that expression?

Mr. DARLING. I mean the group of students working under Professor Breit.

Mr. KUNZIG. I see.

Was that a special group of some kind?

Mr. DARLING. That was a group of students working on his project.

Mr. KUNZIG. What project was that, Mr. Darling?

Mr. DARLING. That was the—I think it was a Navy project.

Mr. KUNZIG. A Navy project. Would you describe it in more detail to the committee?

Mr. DARLING. Well, it was a project that we worked on in theoretical physics.

Mr. KUNZIG. Was it classified or unclassified?

Mr. DARLING. To the best of my knowledge it was unclassified.

Mr. KUNZIG. What year was this?

Mr. DARLING. That was 1946 to 1947.

Mr. KUNZIG. Just at the end of the war?

Mr. DARLING. Just at the end; yes, sir.

Mr. KUNZIG. Now, while you were at Yale University, were you a member of any branch of the Communist Party?

Mr. DARLING. I refuse to answer that question for the aforementioned reason.

Mr. KUNZIG. Did you work with any Communist cell there?

Mr. DARLING. I refuse to answer that question for the aforementioned reason.

Mr. KUNZIG. Did you belong to any organizations to which Gerald Edward Brown also belonged?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that one—question—for the same reason.

Mr. KUNZIG. Did you belong to any organizations to which Paul R. Ziesel also belonged while at Yale University?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KUNZIG. I'd like the record to show that Dr. Gregory Breit has been entirely cleared as to any question concerning loyalty.

Mr. Darling, have you ever used any name other than that of Darling?

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. KUNZIG. Were you ever a member—

Mr. KEARNEY. Have you ever been in possession of a Communist Party card?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. WALTER. Just a moment, Mr. Counsel. You asked him if he had ever used another name. Have you information that he did and, if so, what was the name you think he used, and will you ask him if he used that name?

Mr. KUNZIG. Did you ever use the name of Springer?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the same reasons.

Mr. KUNZIG. Were you ever a member of the Midtown Club of the Communist Party in Detroit?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KUNZIG. Were you ever a member of the First Congressional District Branch of the Communist Party in Detroit, Mich.?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KUNZIG. Well, Mr. Darling, were you ever a member of any other cell of the Communist Party?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KUNZIG. Were you acquainted with Dr. Joseph Weinberg?

Mr. DARLING. Yes.

Mr. KUNZIG. Would you describe to the committee the circumstances of your acquaintance with Dr. Weinberg?

MR. DARLING. We were students together at the University of Wisconsin in 19—let's see—when was that?—1938 to possibly 1939, I believe it was.

MR. KUNZIG. Did you ever belong to any organizations to which Dr. Joseph Weinberg belonged?

MR. DARLING. I refuse to answer that question for the same reasons.

MR. SCHERER. May I interrupt?

When was your last contact with Dr. Weinberg?

(At this point Mr. Darling conferred with Mr. Forer.)

MR. DARLING. To the best of my recollection, I met him last at the January meeting of the American Physical Society in 19—well, a year ago—1952.

MR. SCHERER. What was the nature of your contact with him at that time, Professor?

MR. DARLING. Why, we simply—[at this point Mr. Darling conferred with Mr. Forer] we were in a corridor to one of the meetings and we said "Hello."

MR. SCHERER. Is that all the contact you had with him at that time? No other discussions?

MR. DARLING. Just that—that's all, in that hallway there. That's all—just in that corridor.

MR. KUNZIG. Mr. Darling, are you a member of the American Physical Society?

MR. DARLING. I am.

MR. KUNZIG. Is Dr. Weinberg a member?

(At this point Mr. Darling conferred with Mr. Forer.)

MR. DARLING. I don't know.

MR. KUNZIG. Well, did you ever attend meetings of the society with Dr. Weinberg, associate with him there?

MR. DARLING. I just mentioned—

MR. KUNZIG. Yes. Any others?

(At this point Mr. Darling conferred with Mr. Forer.)

MR. KEARNEY. Are any outsiders allowed to—

MR. VELDE. He is conferring with counsel. He hasn't answered yet.

MR. DARLING. Well, I have met him at—one that I recall—Washington meeting of the American Physical Society several years ago. I don't recall exactly which one it was, and I may have met at other meetings but I don't recall.

MR. KUNZIG. Did you ever attend any Communist Party meetings with Dr. Joseph Weinberg?

MR. DARLING. I refuse to answer that question for the aforementioned reasons.

MR. KUNZIG. Were you a member of any branch of the Communist Party together with Dr. Joseph Weinberg?

MR. DARLING. I refuse to answer that question for the aforementioned reasons.

MR. KUNZIG. Are you now a member of the Communist Party?

MR. DARLING. I refuse to answer that question for the aforementioned reason.

MR. KUNZIG. Have you ever at any time been a member of the Communist Party?

MR. DARLING. I refuse to answer that question for the aforementioned reasons.



Mr. KEARNEY. Would you state to this committee if you were not a member of the Communist Party?

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. KUNZIG. Have you ever traveled abroad?

Mr. DARLING. Yes.

Mr. KUNZIG. Where?

Mr. DARLING. I was—I went to Canada in 1949 to attend the Aurora Conference.

Mr. KUNZIG. Would you explain to the committee just what that conference was?

Mr. DARLING. Well, it was a conference that was studying the physics of the aurora.

Mr. KUNZIG. Who sent you or invited—

Mr. DARLING. It was—

Mr. KUNZIG. You to this conference?

Mr. DARLING. United States Air—it was sponsored by the United States Air Force.

Mr. KUNZIG. Did the United States Air Force send you or invite you?

Mr. DARLING. Invited me.

Mr. KUNZIG. What year was that?

Mr. DARLING. I think it was in 1949—the summer of 1949.

Mr. KUNZIG. Well, now, I just want to get this clear. At the time the Air Force invited you to go to its conference, was that after the time you left Michigan State?

Mr. DARLING. Yes.

Mr. KUNZIG. I see.

Mr. DARLING. That was 1949.

Mr. KUNZIG. Yes.

Mr. WALTER. Professor, you say you were invited through the Air Force. Who extended the invitation?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Well, as I recall, it was Mr. Chapman.

Mr. WALTER. Chapman?

Mr. DARLING. Yes.

Mr. WALTER. Do you know what his first name was?

Mr. DARLING. No; I don't know his first name.

Mr. WALTER. What position did he hold in the Air Force?

Mr. DARLING. I don't know that.

Mr. WALTER. Was he a civilian employee of the Air Force?

Mr. DARLING. Yes; I believe he was.

Mr. WALTER. Do you know what his first name was?

Mr. DARLING. I don't know what his first name was.

Mr. WALTER. Do you—

Mr. DARLING. I can't recollect.

Mr. WALTER. Remember the date?

Mr. DARLING. I can't recollect. I have been introduced to him and learned the first name, but I don't recollect it.

Mr. WALTER. Where did you meet him, Professor?

Mr. DARLING. I met him at—

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I met him at Ohio State University.

Mr. WALTER. Who introduced you to him?

Mr. DARLING. Let's see—I think it was Professor—I don't know whether it was Professor Nielsen or Professor Williams. I don't recollect.

Mr. WALTER. Were either of those professors members of the Communist Party?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KUNZIG. Have you finished, sir?

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. All right.

Now, were there any other representatives from the United States present at that Conference?

Mr. DARLING. Yes; there were many professors and physicists, chemists.

Mr. KUNZIG. From various universities?

Mr. DARLING. Various universities.

Mr. KUNZIG. Are you acquainted with Richard F. O'Hair?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Not to the best of my recollection.

Mr. KUNZIG. Have you ever heard of Richard O'Hair?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Yes.

Mr. KUNZIG. In what connection?

Mr. DARLING. In connection with the proceedings of this committee.

Mr. KUNZIG. Professor, are you at present engaged in research for the United States Air Force?

Mr. DARLING. Yes.

Mr. KUNZIG. Would you explain to the committee just what that project is?

Mr. DARLING. That project has for its objective the theoretical study of the ozone molecule.

Mr. KUNZIG. Does it have a number?

Mr. DARLING. Project No. 381.

Mr. KUNZIG. Is it classified or unclassified?

Mr. DARLING. It's unclassified, to the best of my knowledge.

Mr. KUNZIG. Would you state to the committee what other work, if any, you have done for the United States Government?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I worked on that Navy project that I——

Mr. KUNZIG. That you previously mentioned?

Mr. DARLING. Yes.

Mr. KUNZIG. Anything else?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Well, as far as I know, the answer is "No."

Mr. KUNZIG. Now, have you ever had access to classified material pertaining to the United States Air Force or any other branch of the United States armed services?

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. KEARNEY. Have you passed any of that classified material to other persons?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KUNZIG. Well, now, when you were working for the Air Force, did you have to fill out any particular form, employment form, anything of that nature?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I'd like to explain that I was not working directly for the Air Forces, but I was working on a project for them.

Mr. KUNZIG. Well, even on this project for them, did you have to fill out any documents, any informational forms, any security forms?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. The answer is "No," to the best of my recollection.

Mr. WALTER. On that Air Force project you were working on, did this man Chapman, who was responsible for your attending a conference in Canada, have anything to do with your selection?

Mr. DARLING. Selection for working on the project?

Mr. WALTER. Yes.

Mr. DARLING. No.

Mr. KUNZIG. Did any person unauthorized—

Mr. SCHERER. May I interrupt again?

Mr. KUNZIG. Yes.

Mr. SCHERER. You are now working on a project for the United States Air Force, presently, aren't you, Professor?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. What was that question again?

Mr. SCHERER. You are presently working on a project for the United States Air Force?

Mr. DARLING. Yes.

Mr. SCHERER. Now, you said you are not working directly for them?

Mr. DARLING. Yes.

Mr. SCHERER. You are being paid by the Federal Government, aren't you?

Mr. DARLING. Well, I believe the Federal Government has a contract with the research foundation.

Mr. SCHERER. Well, you get—

Mr. DARLING. In other words, my check doesn't come from the Federal Government, as far as I know.

Mr. SCHERER. But you get a separate check from Ohio University and a separate check for the work that you are doing on this governmental project?

Mr. DARLING. That is correct.

Mr. SCHERER. That is the work you are doing for the Air Force is paid in addition to your compensation as a professor at Ohio State University?

Mr. DARLING. That is correct.

Mr. SCHERER. It is an indirect payment from the Government; is that right?

Mr. DARLING. That is my understanding.

Mr. SCHERER. Now, do you have any other sources of income at the present time?

Mr. DARLING. Do I what?

Mr. SCHERER. Do you have any other sources at the present time?

Mr. DARLING. No.

Mr. SCHERER. Did you ever receive any compensation or anything of value from the Communist Party?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. SCHERER. Did you ever receive any compensation——

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I'd like to change my answer to that previous question. The answer is "No."

Mr. FORER. Excuse me, Mr. Scherer. I believe we interrupted you in the middle of another question. Do you want the answer to that?

Mr. SCHERER. No.

Mr. KUNZIG. I have just 1 or 2 more questions on what the Congressman was just asking you.

Have you ever received any funds from the Communist Party?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. KUNZIG. Now, Mr.——

Mr. KEARNEY. Have you ever acted as a courier or agent or informer for the Russian Government?

Mr. DARLING. No.

Mr. KEARNEY. That is different from your answer yesterday: isn't it?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I don't recall the exact question.

Mr. VELDE. The committee will stand in recess for 10 minutes.

(Thereupon, at 11:03 a. m., the hearing was recessed, to reconvene at 11:13 a. m., the same day.)

(The hearing reconvened at 11:13 a. m., the following committee members being present: Representatives Harold H. Velde (chairman), Bernard W. Kearney, Donald L. Jackson, Kit Clardy, Gordon H. Scherer, and Francis E. Walter.)

Mr. VELDE. The committee will be in order.

Proceed.

Mr. KEARNEY. I would like to ask the professor a question that I asked him yesterday.<sup>1</sup> Have you ever acted as an agent for the Communist Party?

(Representative Clyde Doyle entered the hearing room at this point.)

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Well, what do you mean by "agent"?

Mr. KEARNEY. Well, let me give you your answer of yesterday: "I refuse to answer that question for the aforementioned reasons."

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. All right: I'll refuse again——

Mr. KEARNEY. You refuse to answer?

Mr. DARLING. For the aforementioned——

Mr. KEARNEY. You refuse to answer?

Have you ever met with functionaries of the Communist Party?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

<sup>1</sup> Executive session, March 12, 1953, not released by the committee.

Mr. KEARNEY. Have you ever discussed the Communist Party with functionaries of the Communist Party?

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. KEARNEY. Have you ever met with any Communist Party functionaries?

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. KEARNEY. And you still say that you refuse to state whether you are a member of the Communist Party?

Mr. DARLING. Why, yes; I refuse to state.

Mr. WALTER. Professor, were you a member of the Communist Party when you met this man Chapman from the Air Force?

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. KEARNEY. Is Chapman a member of the Communist Party?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Not so far as I know.

Mr. WALTER. Well, do you mean by that answer you discussed communism with Mr. Chapman and that's why you were able to make this answer you just made?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. The answer is "No."

Mr. DOYLE. How would you know whether or not he was not a member if you didn't know anything about the Communist Party yourself?

Mr. FORER. He didn't.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I don't know whether or not he was a member.

Mr. DOYLE. I thought your answer was: "Not as far as I know," wasn't it?

Mr. DARLING. Well, what's the difference?

Mr. DOYLE. I think there's a lot of difference.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. To go back to your present research for the United States Air Force, I would like to explore just a little further one line of questioning here. Have you ever had access to classified material pertaining to the United States Air Force?

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. CLARDY. Will you raise your voice, Witness? I can't hear you at all.

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. JACKSON. Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. With respect to the questions bearing on Mr. Chapman, I think the record should indicate in some manner that these questions are solely of an exploratory nature at this time and should not be taken to indicate that Mr. Chapman is a Communist or member of the Communist Party, or has been, unless there is substantial evidence in the possession of the committee to indicate that the questions and answers should stand as asked and given.

I merely want to make that point clear in the record—that the questions are solely in the nature of exploration and are not intended to indicate that Mr. Chapman is a member of the Communist Party.

Mr. VELDE. The Chair agrees, concurs heartily in the suggestion of the gentleman from California, and the record will so show.

Mr. KUNZIG. Do you at present have access to or in your possession, in your work out there, in your office, classified material?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse for the aforementioned reasons.

Mr. JACKSON. Do I understand the answer of the witness to be that he refuses to answer whether or not he is in possession of classified information?

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. JACKSON. Do you have in your possession, Professor, any classified information belonging to the United States Government?

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. DOYLE. May I follow that question with this question: Do you have in your possession, under your control, any place, any classified material or information owned by the United States Government that the Government doesn't know you have?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. CLARDY. Well, Witness, have you ever exhibited any of the classified material to any unauthorized person at any time, any place, anywhere?

Mr. DARLING. I refuse to answer that question for the same reason.

Mr. CLARDY. Do you have with you on your person right now any such information?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No.

Mr. KEARNEY. That would be very foolish; wouldn't it?

Mr. JACKSON. Have you ever at any time transferred any classified information to any person?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. JACKSON. Let me clarify that. Have you ever transferred any classified material in your possession to any person not authorized to receive such information?

Mr. DARLING. I refuse to answer that for the same reason.

Mr. JACKSON. Professor, you have refused to answer the question whether or not you had classified material or information in your possession on the grounds that to answer that question might incriminate you. What criminal prosecution do you feel could be brought against you for having in your possession classified material?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the aforementioned reason.

Mr. JACKSON. Are you in a position or does the nature of your work with the Air Force justify your possession of classified material?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No; I've never been cleared.

Mr. KEARNEY. I didn't get that.

Mr. CLARDY. He has never been cleared.

Mr. JACKSON. Any——

Mr. VELDE. I don't think the witness understood your question.

Mr. JACKSON. I will rephrase it.

I understand that you are presently working on a Government project. Is the work of that project such that you might receive classified material in the due process of your work——

Mr. DARLING. No.

Mr. JACKSON. Or in the process of your work?

Mr. DARLING. No.

Mr. JACKSON. Then, is the committee to understand that your refusal to answer whether or not you have any classified material precludes the possibility of your having any authorized classified material in your possession?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I don't understand the question.

Mr. JACKSON. In the nature of your work, you are not authorized to handle classified material?

Mr. DARLING. That is right.

Mr. JACKSON. Is that correct?

Mr. DARLING. That's right.

Mr. JACKSON. You have refused to answer whether or not you now have in your possession any classified information; is that correct?

Mr. DARLING. That's correct.

Mr. JACKSON. Then, it would follow that any classified information which you might conceivably have in your possession would not come in the normal process of the work which you are doing?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Well, regardless of the nature of a project a man is working on, he must be cleared in order to receive classified—he must be cleared himself in order to receive classified material, and to my knowledge I have not received such clearance.

Mr. JACKSON. Well, do you have in your possession classified material?

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. KEARNEY. You have never been cleared by any agency of Government.

Mr. DARLING. So far as I know, I have not.

Mr. KEARNEY. Do you still refuse to answer whether or not you have in your possession any classified material?

Mr. DARLING. That's correct.

Mr. JACKSON. Would a true answer to that question, Professor, tend to incriminate you?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. It might.

Mr. JACKSON. To say whether or not you have in your possession classified material might tend to incriminate you?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. That's one of the grounds I've given for my refusal.

Mr. JACKSON. I simply wanted to make it clear on the record.

Mr. DOYLE. May I ask this question, please: Have you ever applied for clearance to the United States Government?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DOYLE. In connection with your profession or occupation?

(At this point Mr. Darling continued to confer with Mr. Forer.)

Mr. DARLING. Well, I believe I applied for clearance at a project—another project—at Oak Ridge, but I received a wire stating that at the time I had not been cleared yet.

Mr. DOYLE. When was that?

Mr. DARLING. And then I took another position.

Mr. DOYLE. When was that, sir?

You haven't mentioned Oak Ridge before, as far as I know.

Mr. DARLING. That was 1946, I believe.

Mr. DOYLE. Since 1946, have you ever applied for clearance, either you directly or at your request the agency with which you were working, if any?

Mr. DARLING. Not so far as I know.

Mr. DOYLE. In the course of your work, the present work for the Navy, or any former Government work in which you were engaged—

Mr. JACKSON. That is the Air Force, Mr. Doyle.

Mr. DOYLE. Air Force—with any university with which you have been or are associated in connection with project 381, or otherwise, did any classified material come to your desk or your attention in the normal functioning of your study?

(At this point Mr. Darling continued to confer with Mr. Forer.)

Mr. DOYLE. In other words, even though you were not cleared under—

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. It's not supposed to come to you, I believe, unless you are cleared.

Mr. DOYLE. Well, has it come to you, although you were not cleared? That is my question.

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Now, to turn to your Ohio State University connection: You are presently there, is that right?

Mr. DARLING. That is correct.

Mr. KUNZIG. Are you a member of any Communist Party organization at Ohio State?

Mr. DARLING. I refuse to answer that question for the aforementioned reason.

Mr. KUNZIG. Well—

Mr. KEARNEY. Is there evidence that there is a Communist Party cell on the campus of Ohio State today?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the aforementioned reasons—reason.

Mr. SCHERER. Mr. Kearney, can I follow your question?

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Have you attended any meeting of the Communist Party on the Ohio State campus at any time?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the same reasons.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Have you written any books or pamphlets which have been published by any group or organization?



(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. DOYLE. You remember I asked you that same question yesterday. I want to ask you now: What books or pamphlets have you authored yourself in the last 5 or 6 years, either in connection with your work as a theoretical physicist, or anything else?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Are you referring to papers that I've written in physics?

Mr. DOYLE. Anything. You have testified that you are a theoretical physicist. Now, have you written some papers along that line?

Mr. DARLING. Yes.

Mr. DOYLE. If so, what? What papers? Where were they published and when?

Mr. DARLING. They were published in the Physical Review at various times. I—if you want me to—

Mr. DOYLE. Just mention 2 or 3 of them that you are most proud of.

Mr. DARLING. Well, I'm very proud of the paper on the Theory of the Water Vapor Molecule, which work I did in connection with Professor Dennison. That particular paper—that is, on the Theory of the Water Vapor Molecule—was one of the very fundamental papers in the field of molecular spectroscopy.

Mr. DOYLE. When was that published?

Mr. DARLING. That was published about 1940, I believe.

Mr. DOYLE. Now, will you give me the name or subject matter of one more that you are especially proud of?

Mr. DARLING. Well, I have published a paper on The Irreducible Volume Character of Events.

Mr. DOYLE. When was that published?

Mr. DARLING. That was published in 1950.

Mr. DOYLE. Now, have you published any pamphlet or booklet on any other subject?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. DOYLE. What are the reasons that you now refuse to state the name of any other pamphlet or books that you have written?

Mr. DARLING. I refuse to answer—

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DOYLE. I didn't hear your reason as to why you refused to give your authorship.

Mr. DARLING. The first and fifth amendment.

Mr. DOYLE. Oh.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Well, now, when you wrote these books and pamphlets, did you ever write any not under your own name, Mr. Darling?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KUNZIG. Have you lectured to any group or meeting, or spoken at meetings, under any other name than your own?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KEARNEY. Have you ever written for any Communist publications?

Mr. DARLING. I refuse to answer that question for the same reason.

Mr. CLARDY. Are you a subscriber to any Communist publications? (At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the same reasons.

Mr. CLARDY. Do you receive any, whether you are a subscriber or not?

Mr. DARLING. I refuse to answer that for the same reasons.

Mr. KUNZIG. Was it under your own name the last time you had spoken to any group outside of your classes?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. KUNZIG. Aside from speaking here yesterday?

Mr. DARLING. What was that question again?

Mr. KUNZIG. Whether you spoke under your own name the last time you recently spoke to groups outside of your classes?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KUNZIG. What city or cities have you spoken in to groups outside of your classes?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the same reasons.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. KUNZIG. Have you ever been paid for articles or speeches other than speeches that you make to your own students in the class?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No.

Mr. KUNZIG. Have you ever received any pay from the Communist Party?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No.

Mr. SCHERER. Yesterday you answered that question, Professor, I believe, by refusing to answer that question on the grounds that it would incriminate you. Why do you change your answer today?

Mr. DARLING. Well, I—yesterday—I'm not certain exactly what the question was and what my answer was—

Mr. SCHERER. Well, I asked you this—

Mr. DARLING. And what—

Mr. SCHERER. Refreshing your recollection, I asked you this question yesterday: "Have you ever received any funds from the Communist Party?" and the record shows your answer was: "I refuse to answer that question for the same reason."

Mr. DARLING. That's not the same question.

Mr. SCHERER. Well, I will ask you again today the same question. Have you ever received any funds from the Communist Party?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the same reason.

Mr. DOYLE. A few minutes ago I understood you to answer a question by one of my colleagues that you had not been paid any compensation by the Communist Party for any services rendered.

Mr. DARLING. That's correct.

Mr. DOYLE. Is that correct?

Mr. DARLING. Yes.

Mr. DOYLE. Have you rendered any service to the Communist Party in America that you haven't received compensation for?

Mr. DARLING. I refuse to answer that question for the same reason.

Mr. DOYLE. Have you ever written any books or pamphlets, either under your own name or under the name of Springer, dealing with the subject of communism or Marxism that you haven't received compensation for?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the same reason.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Now, those are all the questions we have, Mr. Chairman. There are certain other questions that might be asked, but they have to do with phases of the investigation of the educational field that are not pertinent at the moment. We don't wish to go into those at the present time.

Mr. VELDE. All right.

Mr. KUNZIG. Would you kindly spell molecular, and so forth, to be sure the reporter gets the spelling.

Mr. DARLING. Which—molecular or spectroscopy?

Mr. RUSSELL. Spectroscopy.

Mr. DARLING. Spectroscopy—s-p-e-c-t-r-o-s-c-o-p-y.

Mr. VELDE. Mr. Kearney.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. KEARNEY. I will waive questions at this time.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. You are a physicist; is that correct?

Mr. DARLING. That is correct.

Mr. JACKSON. Has your work as a physicist taken you into the field of atomic fission?

Mr. DARLING. My work directly, you mean?

Mr. JACKSON. Directly or indirectly—

Mr. DARLING. Well—

Mr. JACKSON. In any way.

Mr. DARLING. Directly, no; but indirectly, of course, every theoretical physicist that is actively engaged in research in a fundamental way, knows the field of—knows about these sorts of things.

Mr. JACKSON. Has any person known to you to be a member of the Communist Party ever requested information from you relating to your work or your research in the field of atomic energy?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. JACKSON. Did you ever communicate to any person known to you to be a member of the Communist Party any information relative to nuclear physics or to atomic energy?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the same reasons.

Mr. JACKSON. Have you ever transmitted any type of confidential or secret information to any person whom you knew to be a member of the Communist Party or had reason to believe was an agent of the Communist Party?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. The answer to that question is "No."

Mr. JACKSON. You have never transmitted any type of information of a confidential or secret nature to any person known to you to be a member of the Communist Party?

Mr. DARLING. That is correct.

Mr. JACKSON. Have you ever been asked to transmit such information?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No.

Mr. JACKSON. Have you ever been solicited to transmit such information?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. The same question—the answer is “No.”

Mr. JACKSON. A little while ago I asked you if any person known to you to be a member of the Communist Party ever requested information from you. I believe that your answer to that question was that you declined to answer. Is that correct?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I think that you didn't ask me that question before. I think it was a different question.

Mr. JACKSON. It was different only to the extent that it dealt with your work in the field of atomic energy.

Has any person known to you to be a member of the Communist Party ever requested information from you relating to your work in the field of nuclear physics?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the same reasons.

Mr. JACKSON. It seems to me there is a considerable area of confusion here, in that you refuse to answer whether you have ever been requested by a member of the Communist Party to give information relating to your work in the field of atomic physics or atomic fission, but then you state that you have never done so.

Mr. FORER. No; there's a difference in the questions. One was with reference to secret and confidential and the other was just on the subject of physics.

Mr. JACKSON. Let's start back at the beginning——

Mr. FORER. All right.

Mr. JACKSON. And get this straightened out.

Has any person known to you to be a member of the Communist Party ever requested information from you relating to your work in the field of atomic energy or atomic fission?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. JACKSON. Did you ever transmit to any person known to you to be a member of the Communist Party any information relating to your work in the field of atomic energy or atomic fission?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. JACKSON. Did you ever communicate any such information to a member of the Communist Party or one you had reason to believe was an agent of the Communist Party?

Mr. DARLING. I refuse to answer that for the same reason.

Mr. JACKSON. Well, now we are getting straightened out here.

Yesterday you were asked, Professor——

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. JACKSON (continuing). If you had knowledge of a man by the—

Mr. FORER. Excuse me.

Mr. JACKSON (continuing). Name of Richard O'Hair, I believe.

Mr. FORER. May we interrupt 1 second, Mr. Jackson?

Mr. JACKSON. Yes.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I would like to repeat that I have never given any secret or confidential information to anybody that was believed—

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING (continuing). Or known to me to be a member of the Communist Party.

Mr. JACKSON. Did you ever disclose to any person known to you or believed by you to be a member of the Communist Party any secret or confidential information—and I am now distinguishing between secret and confidential information in general and information having to do with your work in the field of fission or atomic energy?

Mr. DARLING. The answer is "No."

Mr. JACKSON. You never disclosed to any person any information of that kind?

Mr. DARLING. That is correct.

Mr. JACKSON. Have you ever had in your possession any information of that kind, of a secret or confidential nature?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. JACKSON. Touching again on the matter of Mr. Richard O'Hair, I believe on yesterday you said you had heard of Mr. O'Hair as having been a witness before this committee. Did you read the testimony of Mr. O'Hair?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Yes.

Mr. JACKSON. Has it been your custom to read the testimony of all the witnesses appearing before this committee?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No.

Mr. JACKSON. Would you care to state what particular interest motivated you in reading Mr. O'Hair's testimony?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No; I would not care to state.

Mr. JACKSON. Will you state your interest in Mr. O'Hair's testimony?

Mr. DARLING. I refuse for the aforementioned reasons.

Mr. JACKSON. Are you related by blood or marriage to a member of the Communist Party, a person known to you to be a member of the Communist Party?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that question for the aforementioned reason—reasons.

Mr. JACKSON. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Witness, you testified yesterday and then in part today concerning your having been on the campus of Michigan

State College at East Lansing. Now, as I recall it, you spent the major portion of 1 year there. Which year was that?

Mr. DARLING. 1939 to 1940—no; 1940 to 1941, I think it was.

Mr. CLARDY. You started in the fall of 1940 and ended in the spring of 1941?

Mr. DARLING. 1941.

Mr. CLARDY. Now, then, in the fall of 1941 you spent a couple of months in the academic year commencing at that time; did you not?

Mr. DARLING. In the fall of 1941?

Mr. CLARDY. Yes.

Mr. DARLING. At Michigan State?

Mr. CLARDY. Yes.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No.

Mr. CLARDY. Well, sir, suppose you tell me again——

Mr. DARLING. I——

Mr. CLARDY. So that you will not be tricked into anything. I have been in touch with the college authorities since you testified yesterday. I merely want to get the facts——

Mr. DARLING. As far as——

Mr. CLARDY (continuing). Straight about it.

Mr. DARLING. As far as I remember, I taught there from the—September, something like that, of 1940 to the summer of 1941. That would be at the end of the school year in June.

Mr. CLARDY. And you are sure that you didn't then reapply for employment and were not hired for the ensuing academic year, only to have it terminated after 2 months?

Now, think well before you answer. I have checked with the authorities, and they tell me that is the fact, and I don't want you to perjure yourself here or to say anything that you do not know.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I don't recollect anything like that.

Mr. CLARDY. Do you recollect some unpleasantness that resulted in the termination of your employment at the college?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Yes.

Mr. CLARDY. And was not that unpleasantness something to do with your philosophy and your outlook generally, and they so advised you?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I don't know whether that would be an accurate statement of it or not.

Mr. CLARDY. Did it have anything to do with the fact that you had a Communist background?

Mr. DARLING. I refuse to answer that question for the previously stated reasons.

Mr. CLARDY. Do you recall the name of the dean of the faculty with whom you had your contacts, either in writing or verbally, which led to your severance from the college?

Mr. DARLING. I can't recall the name of the dean.

Mr. CLARDY. Did you have any contact with the college after you left relative to the securing of something I mentioned earlier—a recommendation from the college?

MR. DARLING. I—you mean did I write the college?

MR. CLARDY. Or ask them in any way, either in writing or otherwise?

MR. DARLING. Well, I don't recollect.

MR. CLARDY. You never received a recommendation from them, did you?

MR. DARLING. Well, I don't know. If—if I applied for some position and put them down as a reference, they would not reply to me.

MR. CLARDY. Don't you recall that they told you that they would not recommend you to any other college?

(At this point Mr. Darling conferred with Mr. Forer.)

MR. DARLING. I don't recollect that.

MR. CLARDY. All right.

Are you acquainted with or did you know at the time you were in Michigan or at any other time somebody by the name of Bereniece Baldwin?

(At this point Mr. Darling conferred with Mr. Forer.)

MR. DARLING. I refuse to answer that for the aforementioned reason.

MR. CLARDY. Have you read her testimony before this committee?

MR. VELDE. At this point, Mr. Clardy, let me state again, following the suggestion of Mr. Jackson, that no inference is to be drawn to the fact that this Bereniece——

MR. CLARDY. Oh, Bereniece Baldwin is the witness who testified, as you know at Detroit.

MR. VELDE. No inference is to be drawn from this particular hearing that she has anything——

MR. CLARDY. Oh, no. The testimony, I think, Mr. Chairman, shows conclusively that she was not really a Communist and she cooperated with the committee in the Detroit hearings.<sup>1</sup>

At any rate, did you have any acquaintance with her at any time?

MR. DARLING. I refuse to answer that for the aforementioned reasons.

MR. CLARDY. Well, on to a different subject. We have used the word "material" repeatedly in our questions and you have in your answers when you gave any. I want to phrase it a little differently. "Material" implies that there may be something reduced to writing or something in tangible form. Now, have you ever passed on to any representative of the Communist Party any material in any sense, whether reduced to that form or not?

(At this point Mr. Darling conferred with Mr. Forer.)

MR. FORER. Is this material of a particular kind, or any material?

MR. CLARDY. Any kind, to a Communist Party member or agency.

MR. DARLING. I refuse to answer that for the same reasons.

MR. CLARDY. Have you ever discussed with any representative of the Communist Party the subject of the secret matters with which you have been concerned in your research?

(At this point Mr. Darling conferred with Mr. Forer.)

MR. DARLING. No.

<sup>1</sup> Testimony of Bereniece "Toby" Baldwin, before the Committee on Un-American Activities, sitting in Detroit, Mich., on February 29, 1952, discloses that Mrs. Baldwin had joined the Communist Party as an undercover agent for the Federal Bureau of Investigation in order to assist the Government in obtaining information.

Mr. CLARDY. Have you discussed those matters with anybody?

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. CLARDY. That is all I have, Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. When was it, Professor, that you said you last saw Dr. Weinberg?

Mr. DARLING. It was in 1952, I believe.

Mr. SCHERER. How often have you seen Dr. Weinberg in the last 3 years?

Mr. DARLING. I think only once.

Mr. SCHERER. Just once?

Mr. DARLING. And that was—

Mr. SCHERER. Have you had any correspondence with Dr. Weinberg, either directly or indirectly?

Mr. DARLING. I refuse to answer that for the—well, just a moment.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. FORER. Is this also in the last 3 years, or generally?

Mr. SCHERER. I didn't hear what you said, Counsel.

Mr. FORER. Is your question limited to the last 3 years, the way the one before it was?

Mr. SCHERER. Well, have you ever had any correspondence with Dr. Weinberg?

Mr. FORER. And it is direct or indirect correspondence?

Mr. SCHERER. Direct or indirect; yes.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Yes.

Mr. SCHERER. What was the nature of that correspondence?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. All I recall is the exchange of some friendly letters occasionally.

Mr. SCHERER. How well did you know Dr. Weinberg?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I knew him very well.

Mr. SCHERER. Did you ever visit in his home?

Mr. DARLING. By home, now, you mean—

Mr. SCHERER. Well, in his home, his hotel room, wherever he lived. Did you ever visit him socially, let's say?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Yes.

Mr. SCHERER. Well, over what period did those visitations take place?

Mr. DARLING. Well, over a long period of time.

Mr. SCHERER. Well, commencing when, Professor?

Mr. DARLING. Well, when we were students at the University of Wisconsin.

Mr. SCHERER. And over how long a period did those visitations continue?

Mr. DARLING. Well, I—

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Till the last time I saw him, which was last year.

Mr. SCHERER. And what was the frequency of those contacts with Dr. Weinberg?



Mr. DARLING. Oh——

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. SCHERER. Once a year? Once a month?

Mr. DARLING. Oh, once every—I can't say—not any regular visitations. That's the best way to answer it.

Mr. SCHERER. Well, how often during a year?

Mr. DARLING. Well, I haven't visited with him since 1952.

Mr. SCHERER. Now, have you had any telephone conversations with him?

Mr. DARLING. Yes.

Mr. SCHERER. Have you had any long-distance telephone conversations with him?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I don't think so.

Mr. SCHERER. You wouldn't say that you didn't have any long-distance telephone conversations?

Mr. DARLING. Well, that's hard to—I don't think so.

Mr. SCHERER. You don't think so. You won't say, though, that you didn't have any long-distance telephone conversations with him?

Mr. VELDE. Well, I think the witness has answered that. He doesn't recollect whether or not he knows.

Proceed.

Mr. SCHERER. I have no further questions.

Mr. VELDE. Mr. Walter.

Mr. WALTER. You testified, Professor, that you went into war work at the beginning of the war in Detroit. What was the nature of your employment there?

Mr. DARLING. I was a research physicist.

Mr. WALTER. Working for whom?

Mr. DARLING. The United States Rubber Co.

Mr. WALTER. United States Rubber. What type of work were you doing?

Mr. DARLING. Development work.

Mr. WALTER. Development of what?

Mr. DARLING. Oh, all kinds of things with regard to rubber processing, and——

Mr. WALTER. Having——

Mr. DARLING. The physics of rubber.

Mr. WALTER. Having to do with the war effort?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Yes; it was with respect to the war effort.

Mr. WALTER. Did you ever discuss the type of work that you were doing with United States Rubber Co. with any unauthorized persons in Detroit?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. There was no question of whether the work was authorized or unauthorized. It was not secret work.

Mr. WALTER. Did you ever discuss the type of work you were performing with anyone who was not connected with United States Rubber Co.?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Maybe—maybe—maybe I did. People ask you where you work and you tell them.

Mr. WALTER. Were those people who inquired as to the type of work you were doing members of either the Midtown or the First Congressional District Communist cells?

Mr. DARLING. I refuse to answer that question for the aforementioned reasons.

Mr. WALTER. Now, you testified you applied for clearance in order to obtain employment on the Oak Ridge project, and that when the clearance didn't come along quickly enough you took other employment. Were you ever cleared for confidential work?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. Not to my knowledge.

Mr. WALTER. Did you ever hear from your application for clearance at Oak Ridge?

Mr. DARLING. Finally?

Mr. WALTER. Yes.

Mr. DARLING. No.

Mr. WALTER. That's all.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. Professor, you have stated that you were not cleared ever, to your knowledge, that you are engaged now as a theoretical physicist for a Navy project—

Mr. DARLING. No; Air Force.

Mr. DOYLE (continuing). Air Force 381. Are there other employees of the Air Force there, to your knowledge, working in the same general level of research who—

Mr. DARLING. Well, these—this project is a project in which just physicists work—civilians.

Mr. DOYLE. Yes; I understand that, but I understood that it is an Air Force project.

Mr. DARLING. But they are not employees of the Air Force.

Mr. DOYLE. I realize that, but you get two checks. You get one pay eventually from the taxpayers of the country, whether you get it direct from the Air Force or get it through some foundation; isn't that true?

Mr. DARLING. I get a check from—I believe it's the research foundation.

Mr. DOYLE. Yes.

Now, I want to renew my question again. Are there other physicists working on this same project with you, who, to your knowledge, have never been cleared, even though they are civilians? I understand that.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I don't know.

Mr. DOYLE. You stated, in answer to questions by a couple of my colleagues, that you had never communicated any classified material to any persons known to you to be Communists, members of the Communist Party. Do you recall that?

Mr. DARLING. Yes.

Mr. DOYLE. Now, I want to ask you a little bit different question. Have you ever communicated any classified material to any person who was known to you to not be a Communist, but who would use that classified material so that it would benefit the Communist Party in our country?

Mr. DARLING. No.

Mr. DOYLE. That is all.

Mr. VELDE. Mr. Kearney.

Mr. KEARNEY. Professor, just to set the record straight, you were in the University of Illinois from 1930 to 1936?

Mr. DARLING. Yes.

Mr. KEARNEY. While you were there, were you a member of the Communist Party?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. KEARNEY. Was there a Communist cell at that university at that time?

Mr. DARLING. I refuse to answer that for the aforementioned reasons.

Mr. KEARNEY. Now, you were at the University of Michigan from 1936 to 1938, as I read your testimony here. When you were in the university, were you a member of the Communist Party?

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. No. You're talking about Michigan?

Mr. KEARNEY. University of Michigan.

Mr. CLARDY. At Ann Arbor.

(At this point Mr. Darling conferred with Mr. Forer.)

Mr. DARLING. I refuse to answer for the same reasons.

Mr. KEARNEY. Was there a Communist Party cell on the campus at the time you were there?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KEARNEY. When you were at Michigan State College, were you a member of the Communist Party?

Mr. DARLING. I refuse to answer that question for the same reason.

Mr. KEARNEY. Was there a Communist Party cell on the campus at that time?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KEARNEY. When you were at Pennsylvania State College, were you a member of the Communist Party?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KEARNEY. Was there a Communist Party cell on the campus at that time while you were there?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KEARNEY. When you went to the University of Wisconsin in 1946, were you a member of the Communist Party?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KEARNEY. Was there a Communist Party cell on the campus at that time?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KEARNEY. When you went to Yale University, were you a member of the Communist Party?

Mr. DARLING. I refuse to answer that question for the same reasons.

Mr. KEARNEY. Was there a Communist Party cell on the campus of Yale University at that time?

Mr. DARLING. I refuse to answer that question.

Mr. KEARNEY. Was there a Communist Party cell among the professors there at that time?

Mr. DARLING. I refuse to answer that question for the same reasons.

MR. KEARNEY. Have you ever contributed to any fund for the Communist Party?

MR. DARLING. I refuse to answer that question for the same reasons.

MR. KEARNEY. That is all.

MR. VELDE. Mr. Counsel, is there any reason why this witness should be—

MR. KUNZIG. No reason.

MR. VELDE (continuing). Further under subpoena?

MR. CLARDY. I have a couple of questions I would like to ask.

MR. VELDE. Mr. Clardy.

MR. CLARDY. Mr. Witness, would you tell us where you lived while you were in Detroit, and also at Ann Arbor and also at East Lansing, if you can recall?

MR. DARLING. Let's see—I can't recall where I lived in East Lansing, and I—

(At this point Mr. Darling conferred with Mr. Forer.)

MR. DARLING. Detroit—I lived at—I recall living at 7418 Sylvester.

MR. CLARDY. I didn't catch that street name.

MR. DARLING. Sylvester.

MR. CLARDY. Sylvester.

Do you know which Congressional District that is located in?

MR. DARLING. No; I don't.

MR. CLARDY. That is all, Mr. Chairman.

MR. VELDE. The meeting will be in recess until 2 o'clock, at which time we will have another witness.

MR. FORER. Are you through with Mr. Darling?

MR. VELDE. The witness is dismissed.

(Thereupon, at 12 p. m., the hearing was recessed, to reconvene at 2 p. m., the same day.)

#### AFTERNOON SESSION

(At the hour of 2:10 p. m. of the same day, the proceedings were resumed, Representatives Harold H. Velde (chairman), Kit Clardy, Gordon H. Scherer (appearance noted in transcript), Francis E. Walter, Clyde Doyle, and James B. Frazier, Jr., being present.)

MR. VELDE. Let the record show at this point there is a quorum of the committee present, consisting of Mr. Clardy, Mr. Walter, Mr. Doyle, Mr. Frazier, and the chairman for the purposes of this hearing.

MR. KUNZIG. Mrs. Douglas, will you please stand and be sworn?

MR. VELDE. Will you raise your right hand?

In the testimony you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

MRS. DOUGLAS. I do.

MR. KUNZIG. Will you please state your full name and present address?

#### TESTIMONY OF DOROTHY W. DOUGLAS, ACCOMPANIED BY HER COUNSEL, EPHRAIM LONDON

MRS. DOUGLAS. Dorothy W. Douglas, and my permanent address is Northampton, Mass., 54 Prospect Street.

MR. KUNZIG. When and where were you born?

MRS. DOUGLAS. New York City, May 1, 1890.

Mr. Chairman, may I make an extremely brief introductory statement of not more than 150 words, I believe, as a matter of courtesy?

Mr. VELDE. Will you repeat the statement? I am sorry. I did not hear it.

Mrs. DOUGLAS. May I make a very brief introductory statement of, I believe, not more than 150 words? I request this as a matter of personal courtesy.

Mr. VELDE. If you will testify first, the committee will be glad to hear your statement.

Mrs. DOUGLAS. Sir, this statement refers not only to myself, but to a Member of the Senate. I think as a matter of courtesy, for his protection, this statement should be permitted to me at the outset.

Mr. VELDE. We will receive the statement after you have testified for the record. Proceed, Mr. Counsel?

Mrs. DOUGLAS. Will I have assurance that this statement will be printed, sir?

Mr. VELDE. No; we cannot give you that assurance. Mrs. Douglas. We can assure you that it will be received into the records of the committee.

Mr. KUNZIG. Mrs. Douglas, we have no intention of going into any relationship matters here at all, with any Member of the Congress.

Mrs. Douglas, what is your current employment?

Mrs. DOUGLAS. None, sir.

Mr. KUNZIG. Will you give the committee a brief résumé of your educational background?

Mrs. DOUGLAS. Yes. I attended Bryn Mawr College, graduating in 1912. I took my master's degree and my doctor's degree from Columbia University. I did a little graduate work also at Radcliffe, but that is the substance of it.

Mr. KUNZIG. Would you kindly state for the committee a brief résumé of your employment background, such as it may have been?

(Representative Gordon H. Scherer entered the hearing room at this time.)

Mrs. DOUGLAS. Yes, sir. Well, for the bulk of my academic career, which has been my chief occupation, I have been occupied at Smith College, Northampton, Mass. Do you wish further details?

Mr. KUNZIG. In what capacity.

Mrs. DOUGLAS. Going up from the beginning as a reader and instructor to the position of full professor.

Mr. KUNZIG. What is your present position? None?

Mrs. DOUGLAS. None.

Mr. KUNZIG. You are no longer connected with Smith College?

Mrs. DOUGLAS. No, sir.

Mr. KUNZIG. I would just like to go back for a moment. I neglected to ask counsel if he will kindly identify himself for the record.

Mr. LONDON. Ephraim London. The address is 150 Broadway, New York City.

Mr. KUNZIG. Thank you very much. I am sorry to interrupt.

Will you now tell whether you have ever been a member of the Communist Party.

Mrs. DOUGLAS. Sir, I refuse to answer that question under the privilege accorded me under the fifth amendment of the Constitution, which protects me against anything that might lead to possible self-incrimination.

Mr. KUNZIG. Well, now, on February 25 in 1953, Prof. Robert G. Davis testified as follows concerning your membership in the Communist Party:

I will read that to you and then ask you whether you wish to affirm or deny this testimony.

The testimony is as follows:

Q. Were you acquainted with Dorothy W. Douglas?

Mr. DAVIS. Yes.

Q. What was the nature of your acquaintanceship with her?

A. I have known her as a teacher at Smith, but I also knew her in the American Federation of Teachers before I came to Smith, and I knew her as a Communist in that federation, both through contact in caucuses in Massachusetts and also at the national convention.

And then further on page 62, the testimony went as follows:

Q. Did you attend any caucus meetings—

that is Communist Party meetings—

at that district—

A. Of—

Then the question was again:

Q. Convention?

A. Of Massachusetts?

Q. Yes.

A. Yes; I think I must have attended at least one. That is why I remember the presence of Dorothy Douglas and Hulda McGarvey.

The question to you: Do you wish to affirm or deny this testimony?

Mrs. DOUGLAS. Under the same privilege, sir, I refuse to answer.

Mr. KUNZIG. All right. Do you know Katherine Lumpkin?

Mrs. DOUGLAS. Yes.

Mr. KUNZIG. Do you know her to be a member of the Communist Party?

Mrs. DOUGLAS. I refuse to answer under the fifth amendment's protection.

Mr. KUNZIG. Is she a close personal friend of yours?

Mrs. DOUGLAS. Yes.

Mr. KUNZIG. Do you know Hulda McGarvey Flynn?

Mrs. DOUGLAS. Yes.

Mr. KUNZIG. Do you know her to be a member of the Communist Party?

Mrs. DOUGLAS. I refuse to answer under the same privilege.

Mr. KUNZIG. Is she a close personal friend of yours?

Mrs. DOUGLAS. No.

Mr. KUNZIG. During your membership in the Communist Party did you at any time contribute any sum or sums for the support of said organization?

Mrs. DOUGLAS. Obviously I claim my privilege at such a question.

Mr. KUNZIG. Do you maintain an account at the Chemical Bank located at 74th and Madison Avenue, New York City?

Mrs. DOUGLAS. No.

Mr. KUNZIG. Did you ever maintain such an account?

Mrs. DOUGLAS. Yes.

Mr. KUNZIG. Can you tell us, if you remember, the years or the period during which you maintained such an account.

Mrs. DOUGLAS. No—

Mr. KUNZIG. To the best of your knowledge.

Mrs. DOUGLAS. As to when I began. I ceased to do so quite some years ago but I wouldn't want to guess the year.

Mr. KUNZIG. Would you have had an account there between, say 1936 and 1939?

Mrs. DOUGLAS. Yes, sir; to the best of my knowledge.

Mr. KUNZIG. During the period from December 1936 to June 1939 did you use this account to furnish funds to one William Weiner, then treasurer of the Communist Party of the United States?

Mrs. DOUGLAS. Under the privilege accorded me of the fifth amendment, I refuse to answer this question.

Mr. KUNZIG. What was your average monthly contribution to the Communist Party during your membership in the said organization?

Mrs. DOUGLAS. Obviously that is a catch question, and I refuse to answer under the privilege.

Mr. KUNZIG. I will change the question. What was your average monthly contribution to the Communist Party? I will leave out the portion as to the membership.

Mrs. DOUGLAS. Same answer.

Mr. KUNZIG. Did you ever have any association with the World Tourist Bureau, World Tourists, Inc.

Mrs. DOUGLAS. I do not recall any such organization.

Mr. KUNZIG. Did you contribute, or is it true that you contributed, \$600 per month to the Communist Party in 1936 to 1939, average monthly contributions?

Mrs. DOUGLAS. Under the privilege accorded me under the fifth amendment, I refuse to answer.

Mr. KUNZIG. Do you know one Jacob Golos.

Mrs. DOUGLAS. Never heard of him that I know of.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. I have no questions.

Mr. VELDE. Mr. Scherer.

Mr. Walter.

Mr. WALTER. No questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. No questions.

Mr. VELDE. Mr. Frazier.

Mr. FRAZIER. No questions.

Mr. VELDE. You mentioned previously that you had a statement that you wanted to submit.

Mrs. DOUGLAS. Yes, sir. Thank you for the courtesy.

Mr. VELDE. Before we hear the statement, I want to make it clear that you have refused to answer questions relating to your Communist activities.

Mrs. DOUGLAS. I am sorry, sir. Could I hear that a little louder. Mr. VELDE. And the committee will have to consider the statement that you have in executive session before receiving it for the files.

Mr. LONDON. May I say something? This statement—

Mr. VELDE. It has been the ruling that counsel has a right to confer with the witness, but not to make any statements.

Mrs. DOUGLAS. May I confer with my counsel on this subject, as it may involve a point of law of which I may be unaware?

Mr. VELDE. Certainly.

(At this point Mrs. Douglas conferred with Mr. London.)

Mrs. DOUGLAS. Mr. Chairman, I do not know to what extent the Chair can be held accountable for his own statements, but you said quite clearly when I asked for the privilege of submitting the statement at the outset that you would receive it as soon as I had completed evidence.

Mr. VELDE. As long as you cooperate, Mrs. Douglas, and answer the questions, then, of course, we would allow you to submit the statement. But, of course, you have not cooperated in answering the questions that have been asked you.

Mrs. DOUGLAS. So far as I know, the Chair's statement was unconditional. Could I hear the record on that?

Mr. CLARDY. May I ask her a question first, Mr. Chairman?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Mrs. Douglas, does this statement have to do with matters other than those covered by the questions that have been submitted to you?

Mrs. DOUGLAS. Mr. Chairman, this statement——

Mr. CLARDY. I am not the chairman.

Mrs. DOUGLAS. Forgive me. Would you repeat the question, sir?

Mr. CLARDY. I say, does your statement deal with matters not touched upon by the questions that have been put to you this morning?

Mrs. DOUGLAS. The statement deals with these questions both substantively and inferentially.

Mr. CLARDY. My question was, does it deal with matters other than that? In other words, does it go beyond the subjects touched upon in the questioning?

Mrs. DOUGLAS. Sir, I think that an introductory statement on the part of a witness, requested in the terms in which my request was couched, should be granted the courtesy of a public reading before this committee.

Mr. CLARDY. Will you answer my question so that we may have something to go on? I am seeking to find out what the statement is about so far as the general subject matter.

Mrs. DOUGLAS. It seems to me a very strange procedure on the part of the committee of Congress that a thing of this length should be excluded.

Mr. CLARDY. Will you answer the question?

Mrs. DOUGLAS. Will you repeat the question?

Mr. CLARDY. I will rephrase it again. Does the subject covered by your statement go beyond the subjects covered by the questions put to you this afternoon?

Mrs. DOUGLAS. It does not go beyond the germane connections of those questions.

Mr. WALTER. Mr. Chairman, just a moment. It has been the custom uniformly of this committee to accept statements which either become a part of the record or do not, depending on action taken by the committee in executive session. I see no reason why we should



depart from the rule, and I suggest that you permit the witness to file the statement, and we can hereafter determine whether or not it will be made a part of the record.

Mr. CLARKE. That was going to be my suggestion.

Mr. VELDE. It is so ordered. The committee is recessed.

(Thereupon, at 2:20 p. m., the hearing was recessed until 10 a. m., Tuesday, March 17, 1953.)



# COMMUNIST METHODS OF INFILTRATION

## (Education—Part 2)

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TUESDAY, MARCH 17, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

### PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to call, at 10:48 a. m., in room 362, Old House Office Building, Hon. Harold H. Velde (chairman), presiding.

Committee members present: Representatives Harold H. Velde (chairman), Bernard W. Kearney, Gordon H. Scherer, Francis E. Walter, Clyde Doyle, and James B. Frazier, Jr.

Staff members present: Robert L. Kunzig, counsel; and Thomas W. Beale, Sr., chief clerk.

Mr. VELDE. The meeting will come to order.

The reporter will let the record show as being present Mr. Kearney, Mr. Scherer, Mr. Walter, Mr. Doyle, Mr. Frazier, and the chairman, a quorum of the full committee.

Do you have a witness, Mr. Counsel?

Mr. KUNZIG. Yes. The first witness is Mrs. Hulda Rees Flynn.

Mr. VELDE. Will you raise your right hand?

In the testimony you are about to give before this committee, do you solemnly swear you will tell the truth, the whole truth and nothing but the truth, so help you God?

Mrs. FLYNN. I do.

Mr. VELDE. Be seated, please.

Mr. KUNZIG. What is your full name, please, Mrs. Flynn?

### TESTIMONY OF HULDA REES FLYNN, ACCOMPANIED BY HER COUNSEL, OLIVER S. ALLEN

Mrs. FLYNN. My full name is Hulda Rees Flynn.

Mr. KUNZIG. Are you accompanied by counsel?

Mrs. FLYNN. I am.

Mr. KUNZIG. Will counsel please identify himself for the record?

Mr. ALLEN. Yes. My name is Oliver S. Allen. I am a member of the Massachusetts bar, with offices at 6 Beacon Street, Boston.

Mr. KUNZIG. What was your maiden name?

Mrs. FLYNN. My maiden name was Hulda Johnson Rees.

Mr. VELDE. Just a minute, Mr. Counsel.

Mr. KUNZIG. Yes.

Mr. VELDE. I want to ask the witness if she would have any objection to being photographed by the newsreel camera?

Mrs. FLYNN. No; none whatever.

Mr. VELDE. Proceed.

Mr. KUNZIG. I believe you just gave your maiden name.

Mrs. FLYNN. That's right.

May I continue on that?

Mr. KUNZIG. Yes.

Mrs. FLYNN. My first husband's name was McGarvey, so that during the period of my first marriage and my widowhood I was known as Hulda Rees McGarvey. Then on October 31, 1945, I remarried and my name is now Hulda Rees Flynn.

Mr. KUNZIG. What is your present occupation, Mrs. Flynn?

Mrs. FLYNN. I am a housewife.

Mr. KUNZIG. Will you—

Mrs. FLYNN. My professional training is in the field of psychology, but I have 3 little girls, the eldest of whom is under 7, so that for the past few years I haven't done much with my professional training.

Mr. VELDE. May we have order, please? It is very difficult to hear in the room.

Mr. KUNZIG. Will you state, please, for the committee what your educational training has been?

Mrs. FLYNN. I want to be sure I get the right dates.

I graduated from Smith College, receiving my A. B. in 1931, and also received my A. M. from Smith College in 1933. My Ph. D. I received from Columbia University in 1943.

Mr. KUNZIG. I see.

Now, I believe we had completed that.

Had you completed your answer—

Mrs. FLYNN. Yes.

Mr. KUNZIG. As to your educational background?

Mrs. FLYNN. Yes.

Mr. KUNZIG. Would you tell the committee, please, what your record of employment has been beginning with the receipt of your master's degree in 1933?

Mrs. FLYNN. Well, when I received my master's degree in 1933 I was already a teaching assistant at Smith College, and in 19—from 1933 to 1934 I remained a teaching assistant in the department of psychology. From 1934 to 1937 I was an instructor in the department at Smith College. From 1937 to 1939 I was an instructor in psychology at Mount Holyoke College in South Hadley, and then I went back to Smith after my first husband's death and was an instructor in psychology.

Mr. KUNZIG. Just a minute.

Mr. VELDE. The committee will be in recess for 5 minutes.

(Thereupon, at 10:53 a. m., the hearing was recessed, to reconvene at 10:58 a. m.)

(The hearing reconvened at 10:57 a. m.)

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Mrs. Flynn, would you continue with your record of employment?

I believe you were down to Mount Holyoke College between 1937 and 1939.

Mrs. FLYNN. I was instructor in psychology at Mount Holyoke College between 1937 and 1939. My first husband died in 1938 and I returned to Smith College and was an instructor there between 1939 and 1940. Then I was promoted and was an assistant professor of psychology at Smith College from 1940 to 1942. However, I should explain that my last actual teaching at the college was in June of 1941, since I took the second year of my appointment as a leave of absence and went to Columbia to study for my degree.

Mr. KUNZIG. How long did you remain at Columbia?

Mrs. FLYNN. I took my degree in 1943.

Mr. KUNZIG. Were you a member of any Communist Party cells at any of the colleges you have just mentioned?

Mrs. FLYNN. I decline to answer that question upon the ground that my answer might tend to incriminate me.

Mr. KEARNEY. Well, if you were not a member of a Communist cell, would you so state?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline to answer that question upon the ground that my answer might tend to incriminate me.

Mr. KEARNEY. You mean to state that if you were not a member of a Communist Party cell might incriminate you?

Mrs. FLYNN. I decline to answer that question upon the ground that my answer might tend to incriminate me.

Mr. KUNZIG. Were there any Communist Party cells at these colleges?

Mrs. FLYNN. I decline to answer that question upon the ground that my answer might tend to incriminate me.

Mr. WALTER. We could probably save a lot of time if you just merely decline to answer, or refuse to answer, for the reasons stated a moment ago.

Mr. ALLEN. Well, to clarify that, may it be understood by the committee where the witness hereafter refuses to answer, if she does, it is upon the ground the answer might tend to incriminate her, claiming her rights under the fifth amendment of the United States Constitution?

Will that be understood?

Mr. VELDE. Mr. Counsel, that will be understood.

Mr. KUNZIG. That is understood.

Mrs. Flynn, after you received your doctor's degree at Columbia in 1943, how were you employed then?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. On the same grounds?

Mrs. FLYNN. On the same grounds.

Mr. KUNZIG. Now, while at Columbia did you have any employment of any kind?

You understand that we are only asking about your employment. We are not going into any question of your beliefs.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. KUNZIG. I'm referring only to where you worked. Will you tell the committee where you worked during those years?

Mrs. FLYNN. I decline.

Mr. KEARNEY. Did you work during those years?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. Well, I'm going to take them one by one.

Will you tell the committee how you were employed in 1944?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. Will you tell them how you were employed in 1945?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. How were you employed in 1946?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. Now, when you testified previously before this committee<sup>1</sup> you said that in 1946 you were unemployed and you were a housewife.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. ALLEN. What's the question?

Mr. KUNZIG. The question is: Is she changing that testimony?

Are you changing that testimony—

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. KUNZIG. Or do you wish to confirm what you testified to before?

(At this point Mrs. Flynn continued to confer with Mr. Allen.)

Mrs. FLYNN. I testified before that I was a housewife.

Mr. KUNZIG. And is that a correct answer—

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. KUNZIG. In 1946?

Mrs. FLYNN. Yes.

Mr. KUNZIG. Now, in 1947 how were you employed?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. 1948?

Mrs. FLYNN. I decline.

Mr. KUNZIG. Now, were you employed during these years, Mrs. Flynn, working as an agent for the Communist Party?

Mrs. FLYNN. I decline.

(At this point the witness laughed aloud.)

Mr. WALTER. What is so funny about that?

It seems shocking to me rather than funny.

Proceed, Mr. Counsel.

Mr. KUNZIG. Yes, Mr. Congressman.

What is your employment at the present time?

Mrs. FLYNN. I am a housewife.

Mr. KUNZIG. What is your residence at the present time, Mrs. Flynn?

Mrs. FLYNN. 4831 Saint Elmo—that is E-l-m-o—Avenue, Bethesda, Md.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. KUNZIG. Are you now a member of the Communist Party?

Mrs. FLYNN. I decline.

Mr. KUNZIG. Have you been a member of the Communist Party at any time between 1943 and the present time?

Mrs. FLYNN. I decline.

<sup>1</sup> Executive testimony, not released by the committee.

Mr. KUNZIG. Were you a member of the Communist Party at any time?

Mrs. FLYNN. I decline.

Mr. KUNZIG. What is your husband's name?

Mrs. FLYNN. John P. Flynn.

Mr. KUNZIG. Is your husband employed at the present time?

Mrs. FLYNN. He is.

Mr. KUNZIG. What is the nature of that employment, Mrs. Flynn?

Mrs. FLYNN. He is a psychologist, and he's employed as a civilian scientist by the Naval Medical Research Institute in Bethesda, Md.

Mr. KUNZIG. How long has he been employed there, as far as you can remember?

Mrs. FLYNN. To the best of my knowledge, his appointment papers read April 1, 1946.

Mr. KUNZIG. Now, a witness by the name of Herbert Philbrick testified before this committee in 1951 as follows.

(Representative Francis E. Walter left the hearing room at this point.)

Mr. KUNZIG. I am going to read you the testimony and then ask you whether you will affirm or deny the testimony.

Mr. PHILBRICK. And we were trained in turn to become instructors in Marxism.

I then became educational director for the Eighth Congressional District in Massachusetts. The Eighth Congressional District included Malden, Melrose, Everett, a part of Somerville, Wakefield, and a part of Stoneham. As such, I went from cell to cell and branch to branch, either leading educational discussions myself or many times arranging for State functionaries, functionaries from the State office, to come out to the branches and speak.

The great difference between our teaching in this period as against our teaching before was that now the party taught that capitalism had to be destroyed absolutely in order to establish communism, that it could not be done by peaceful means or by legislation, but it could be done and accomplished only through a violent revolution; and we were taught quite specifically that there was no other way to establish communism in this country, and of course, in order to teach that we used all the usual Marxist textbooks and manuals, starting right in with the book, Value, Price, and Profit, which was usually the beginner, then The Theory of Leninism, by Stalin, Capitalism, by Karl Marx, and History of the Communist Party. That was used as a textbook in my quarters.

Then, of course, the two most important books so far as teaching the absolute necessity of revolution were, first, Imperialism—The Highest Stage of Capitalism and State and Revolution. Those two were the most important textbooks used to teach why it was impossible for communism to be established in any other way except through a violent revolution against the existing state government.

Then the question was asked:

You spoke of having attended a special school, a secret school, designed only for those in whom the Communist Party reposed great trust. Who were the instructors in that school?

Mr. PHILBRICK. Fanny Hartman.

Question. Will you spell the last name?

Mr. PHILBRICK. Fanny Hartman—H-a-r-t-m-a-n. She was more or less the coordinator for the school. She taught the first session, I remember, and she taught some of the subsequent sessions.

A man named Sam, not identified by any other name, was another one of the instructors, and a woman party member by the name of Hulda. Hulda was a third of our instructors. I was later able to identify her as Hulda McGarvey, who was affiliated with the Samuel Adams School.

Do you care to affirm or deny that testimony?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. The period covered, for the record, by that testimony was generally between 1944 and 1945.

Were you at any time an associate professor or instructor or in any way affiliated with the Samuel Adams School?

Mrs. FLYNN. I decline.

Mr. KUNZIG. Mrs. Flynn, did you at any time acquire a corporate interest in the way of ownership of stock in WQQW Radio Station in Washington, D. C.?

Mrs. FLYNN. I decline.

Mr. KEARNEY. Isn't that a matter of public record?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. KUNZIG. The question was: Isn't that a matter of public record?

Mrs. FLYNN. I don't know.

Mr. KEARNEY. Isn't ownership of that stock a matter of public record?

Mrs. FLYNN. I don't know.

Mr. KUNZIG. You feel that answering as to whether you own stock in this radio station would incriminate you?

Mrs. FLYNN. I decline.

Mr. KUNZIG. Do you know Dorothy Douglas, who testified before this committee just a day or so ago?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. Well, now, Mrs. Douglas on March 13, 1953, appearing before this committee, when asked the question: "Do you know Hulda McGarvey Flynn?" answered, "Yes."

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. KUNZIG. Do you still say you decline to answer whether you know Mrs. Douglas?

(At this point Mrs. Flynn continued to confer with Mr. Allen.)

Mrs. FLYNN. I decline; yes.

Mr. KEARNEY. Is that on the grounds that it might incriminate you?

Mrs. FLYNN. That's correct.

Mr. ALLEN. Well, that is understood by the committee, is it not?

Mr. KEARNEY. Why is an acquaintanceship or friendship with Mrs. Douglas a ground of incrimination in your own mind?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. Do you know a Katherine Lumpkin?

Mrs. FLYNN. I decline.

Mr. KUNZIG. Do you know a Robert Gorham Davis?

Mrs. FLYNN. I decline.

Mr. KUNZIG. Now, Robert Gorham Davis on February 25, 1953, testified before this committee as follows—

Mr. SCHERER. That is Professor Davis?

Mr. KUNZIG. Yes, sir.

Mr. SCHERER. Professor Davis from Smith—

Mr. KUNZIG. That is correct.

Mr. SCHERER. Who testified?

Mr. KUNZIG. He testified as follows—and I will read you the testimony and ask you whether you affirm or deny:

Question. Were you acquainted with Hulda McGarvey?

Mr. DAVIS. Yes; I had met her at Smith at the time she was teaching there, and I met her at caucuses of the New England representatives meeting in Boston.



Question. Now, when you say "caucus"—caucus of what?

Mr. DAVIS. Of Communist Party members within the State Federation of Teachers.

Question. And you met her as a member of that caucus?

Mr. DAVIS. Yes.

Question. When was that?

Professor DAVIS. I can only fix it within the years of my party membership. I can't fix the exact date.

Question. Did I understand you to state she was employed in some capacity at Smith?

Professor DAVIS. At that time.

Question. How long was she employed at Smith College?

Professor DAVIS. I don't know because she had left when I went there myself to teach.

Question. Oh, she was not there when you were there as a teacher?

Mr. DAVIS. No.

Question. Do you know whether she held any position in the Teachers' Union?

Professor DAVIS. She represented in some capacity the local at Smith.

Question. Does that local still exist at Smith College?

Professor DAVIS. No; I think it went out of business about 2 years ago.

Do you care to affirm or deny that testimony by Professor Davis before this committee?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. You decline to answer on the grounds of incrimination?

Mrs. FLYNN. That is correct.

Mr. ALLEN. Well, to make it abundantly clear, Mr. Chairman—

Mr. KUNZIG. Yes.

Mr. ALLEN. Is it not understood at all times when the witness has refused to answer it is upon the ground of claiming her rights under the fifth amendment of the U. S. Constitution?

Mr. VELDE. Yes.

Mr. KEARNEY. What do you—

Mr. ALLEN. Are we clear upon that?

Mr. VELDE. Yes, Mr. Counsel; that is understood by the committee.

Mr. ALLEN. Because there—

Mr. KEARNEY. When you say "the U. S. Constitution," I presume you mean the United States Constitution?

Mr. ALLEN. I do, indeed.

Mr. KUNZIG. Now, I shall read you another portion of the same testimony by Professor Davis before this committee:

Question. Now, let us return to the second of the national conventions which you attended and at which you said there was a caucus of the Communist Party members. Will you advise the committee what the result of the caucus was that was had?

Professor DAVIS. No; I'm sorry to say I cannot, because it was a matter of very complex union affairs, and after this period of time I simply can't reconstruct it in any meaningful way. It was not a matter of broad national policy, but of factional controversies within the union.

Question. Well, will you give us, please, the names of persons who attended that caucus and whose names you have not already given us?

Professor DAVIS. No; I don't remember any others. Again, we were not introduced to them, you see. They preserved the secrecy of names as much as possible.

Question. You referred to your local at Harvard being a member of the district?

Professor DAVIS. Yes.

Question. How many schools were represented in that district organization?

Professor DAVIS. Well, both the colleges and the public schools were included. A very large number were because there were public school locals in at least 8 or 10 of the local schools in Massachusetts. The college representation was much smaller, but I suppose at least six colleges were represented—not by Communist Party members; I'm speaking now of the Teachers' Union itself and the Massachusetts Federation of Teachers.

Question. Well, what were the names of the colleges which were affiliated with or a part of that district?

Professor DAVIS. Smith was; Simmons College. I think there probably was a Wellesley local. I can't be sure. I think Tufts at times may have had representation. Amherst, I think, may have.

Question. I think we should make the record clear they weren't representing those schools there at that meeting, were they?

Professor DAVIS. No; I am not speaking now of Communists, but simply of the locals, college locals who were affiliated with the National Federation of Teachers.

Question. Did each of them, however, have a Communist cell within their representation?

Professor DAVIS. Not so far as I know. Smith is the only one I can recall that did have.

Question. Did you attend any caucus meetings of that district convention?

Professor DAVIS. Of Massachusetts?

Question. Yes.

Professor DAVIS. Yes; I think I must have attended at least one. That is why I remember the presence of Dorothy Douglas and Hulda McGarvey.

Do you care to affirm or deny that testimony?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KEARNEY. Is the name of that school in Massachusetts the Samuel Adams School or the Samuel Adams Labor School?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. I believe you said your husband is employed by the Navy in a civilian capacity; is that correct?

Mrs. FLYNN. That's right.

Mr. KUNZIG. Now, have you written any magazine or literary articles on any subject in connection with your teaching at any of the colleges which you have related which have been published?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I published my master's thesis at Smith College, which I wrote in 1933, but I believe it wasn't published until 1935; and I published 1 or 2 other articles on psychological problems.

Mr. KUNZIG. What was the subject of your master's thesis?

Mrs. FLYNN. It was called, I think—it's hard to recall—an investigation of the effects of mental sets upon the solution of anagrams.

Mr. KUNZIG. I think you remember very well.

Mrs. FLYNN. Well, that may not be accurate.

Mr. KUNZIG. Now, Mrs. Flynn, have you written any other material on any other subjects that have been published?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. Have you written for the Communist Party at any time or for Communist Party publications?

Mrs. FLYNN. I decline.

Mr. KUNZIG. Have you accepted any money at any time from the Communist Party?

Mrs. FLYNN. I decline.

Mr. KUNZIG. Have you assisted in raising funds at any time for the Communist Party?

Mrs. FLYNN. I decline.

Mr. KEARNEY. May I interrupt for a minute, Counsel?

Mr. KUNZIG. Yes, sir.

Mr. KEARNEY. A few minutes ago when I asked you whether the name of that school in Massachusetts was the Samuel Adams School or the Samuel Adams Labor School you declined to answer on the grounds that it might incriminate you; is that correct?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. Yes; I did.

(Representative Francis E. Walter reentered the hearing room at this point.)

Mr. KEARNEY. Will you tell me why the answering of that question would incriminate you in any manner?

Mrs. FLYNN. I decline.

Mr. KEARNEY. Well, Mr. Chairman, I ask that the witness be directed to answer that question.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. VELDE. Yes. The Chair feels that the answer to that question could not possibly, in any manner, incriminate you, and I so direct you to answer that question.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. And I decline.

(Representative James B. Frazier, Jr., left the hearing room at this point.)

Mr. KUNZIG. Since you married Mr. Flynn, have you either for pay or without compensation been engaged in any lecture or teaching any units or groups of people, large or small?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. Last year—that would be in 1951-52—I gave an extension course in psychology, elementary psychology, for George Washington University.

Mr. KUNZIG. In Washington, D. C.?

Mrs. FLYNN. No; the course itself was in Bethesda, but the university is in Washington.

Mr. KUNZIG. Yes.

May I ask how you obtained that position or that teaching responsibility?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. Somebody telephoned me and asked me would I teach.

Mr. KUNZIG. And who was it that telephoned you to ask you to teach?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. It was someone at the university, but I don't recall who—whom.

Mr. KUNZIG. Was it one of the top people?

Mrs. FLYNN. I think so, in the extension field.

Mr. KUNZIG. In the extension field.

Are you now on the list of that university, subject to call for further lecturing?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I don't know.

Mr. KUNZIG. Were there any other instances beyond and beside this one you just mentioned at George Washington where you lectured or spoke to groups?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KUNZIG. How long did that course at George Washington last?

Mrs. FLYNN. Fifteen weeks.

Mr. KUNZIG. Were you compensated for it?

Mrs. FLYNN. Yes.

Mr. KUNZIG. From whom did you receive the compensation?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. Check from the university—three checks, to be exact.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. VELDE. Mr. Kearney.

Mr. KEARNEY. I will pass for the time being.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. How long have you been married to Mr. Flynn?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I was married to Mr. Flynn on October 31, 1945.

Mr. SCHERER. How long prior to October 31, 1945, did you know him, Professor?

Mrs. FLYNN. I'm trying to recall the year I first met him. We were fellow graduate students at Columbia University.

Mr. SCHERER. Approximately?

Mrs. FLYNN. Approximately—it would be the summer, I think, of 1940.

Mr. SCHERER. And would you mind telling me again in what capacity he is employed by the Navy?

Mrs. FLYNN. He is a psychologist, and he's employed as a scientist, as a psychologist.

Mr. SCHERER. And where?

Mrs. FLYNN. At the Naval Medical Research Institute. That's out at the Medical Center in Bethesda.

Mr. SCHERER. Research Institute?

Mrs. FLYNN. That's right.

Mr. SCHERER. And what is the nature of his work out there?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I don't really know much about it. He's a psychologist and he's a very good statistician, and he gives—I mean he just works there. I don't know exactly what he does.

Mr. SCHERER. And he has been with the Navy how long?

Mrs. FLYNN. Since—I believe that it's April 1, 1946.

Mr. SCHERER. Of course, then he receives his compensation directly from the Navy Department of the Government of the United States.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. SCHERER. Now, is he a member of the Communist Party?

Mrs. FLYNN. I decline.

Mr. SCHERER. Does he do anything else other than the occupation which you have just described?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. SCHERER. Does he have any other activity from which he receives compensation, other than the activity which you just described?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. Not that I know of.

Mr. SCHERER. That is all.

Mr. VELDE. Mr. Walter.

Mr. WALTER. No questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. Have you in your professional relationships with any of the colleges, or in connection therewith, used any name other than the two you have given us?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. ALLEN. Might that question be repeated, Mr. Congressman?

Mr. DOYLE. Well, I can simplify it by saying: Have you gone under any other name than the two you have given us here?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. DOYLE. Do you now go under any other name for any purpose other than your married name?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. No.

Mr. DOYLE. How long since you have?

Mrs. FLYNN. I decline.

Mr. DOYLE. Have you written any pamphlets or booklets that have been printed with your permission and consent under any other than your legal name?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. DOYLE. If you have written any booklets or pamphlets for the Communist Party, or for its benefit, under any other name than your own, were you paid for it?

Mrs. FLYNN. I decline.

Mr. DOYLE. Have you traveled abroad—

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. DOYLE. To foreign countries?

Mrs. FLYNN. No, sir.

Mr. DOYLE. That is all at this time, Mr. Chairman.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. KEARNEY. I understood from your previous testimony that you refused to testify as to previous membership in the Communist Party.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KEARNEY. Have you attended any Communist Party meetings since you have taken up residence at Bethesda?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. KEARNEY. I thought I heard you say a few minutes ago: "What are they trying to do to me?" Is that correct?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I did say that to my attorney.

Mr. KEARNEY. Well, I know you spoke loud enough so that the committee members could hear it; is that correct?

Mrs. FLYNN. If you heard it, certainly.

Mr. KEARNEY. I think that is all, Mr. Chairman.

Mr. VELDE. Mrs. Flynn, if you did ask, "What are they trying to do to me?" I would like to answer that question.

We are trying to obtain information from you relative to Communist and other subversive propaganda activities in this country so that we might perform the function that is imposed upon us by Congress. It is to investigate these things and report to the Congress and to the people of your activities.

Now, you could be of great assistance to this committee, and the Chair would ask you again if you still refuse to tell us about any Communist or other subversive activities——

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. VELDE. In which you have engaged or know about?

(At this point Mrs. Flynn continued to confer with Mr. Allen.)

Mrs. FLYNN. I decline to answer that question; and, as I sit here as a former college professor——

Mr. KEARNEY. Mr. Chairman.

Mr. VELDE. Mr. Kearney.

Mr. KEARNEY. I would like the Chair to direct the witness to answer the questions and not make a speech.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. VELDE. Is this in the nature of an answer, Mrs. Flynn?

Mrs. FLYNN. It's my answer.

Mr. KEARNEY. Well, is it a direct answer to the question or is it an attempt to make a speech?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. KEARNEY. Well, I notice the witness shrugs her shoulders. What is it?

Mrs. FLYNN. I consider it a direct answer to the question; yes.

Mr. VELDE. Proceed, Mrs. Flynn.

Mrs. FLYNN. I'm not now a teacher. I'm not a college professor. But I feel that what this committee is doing to academic freedom on the campuses where I——

Mr. KEARNEY. Mr. Chairman.

Mrs. FLYNN. Have been employed——

Mr. KEARNEY. Mr. Chairman.

Mr. WALTER. Well, let her go.

Mr. KEARNEY. All right.

Mrs. FLYNN. And to the clergy is perhaps the most dangerous thing in American life.

I know that the mere fact that I have been called here to appear before this committee can only serve to frighten, to intimidate people who are still employed at the colleges at which I have taught.

Mr. WALTER. Do you think that applies——

Mr. KEARNEY. Even though they refuse to answer as to whether they are members of the Communist Party today or in the past?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I feel——

Mr. KEARNEY. Do you believe this committee is interfering with your so-called academic freedom when they ask you concerning your membership in the Communist Party?

Mrs. FLYNN. I certainly do.

Mr. KEARNEY. I think that gives the attitude of the witness in her answers.

Mr. VELDE. Yes. I agree with the gentleman.

Mr. DOYLE. Mr. Chairman, may I ask one more question?

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. Madam, may I ask you this question, please?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. DOYLE. I refer to Public Law 831 of the 81st Congress, in section 2 of which the United States Congress made this brief—

(At this point Mrs. Flynn continued to confer with Mr. Allen.)

Mr. DOYLE. Will you listen to me, please?

Mrs. FLYNN. Yes, sir. Excuse me. I didn't mean to be discourteous.

Mr. DOYLE. Well, I will begin over again.

I call your attention to Public Law 831, passed by the 81st Congress, 2d session, H. R. 9490, in which this declaration is made by the United States Congress:

SEC. 2. As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress herein finds that:

(1) There exists a world Communist movement, which, in its origin, its development, and as presently practiced is a worldwide revolutionary movement, whose purpose is, by treachery, to seek infiltration into other groups, governmental and otherwise, by espionage, sabotage, terrorism, and any other means deemed necessary to establish a totalitarian Communist dictatorship in the countries throughout the world through the medium of a worldwide Communist organization.

Do you agree with that declaration by our Congress?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I don't really believe that describes the situation.

Mr. DOYLE. Well, don't you know that the American Communist Party is part of a world conspiracy to overthrow the American constitutional form of government by force and violence? You believe that, don't you?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I don't really have any particular opinion upon that—

Mr. DOYLE. Beg—

Mrs. FLYNN. No comment.

Mr. DOYLE. I beg your pardon.

Mrs. FLYNN. I have no considered opinion on that; no comment.

Mr. KEARNEY. Will the gentleman yield for a question there?

Mr. DOYLE. If you have no considered opinion upon it, why did you answer just a moment ago and say you didn't believe this declaration by Congress represented the situation?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. What I really feel is that the Red scare in this country is greatly exaggerated, and that the kind of thing that's happening to civil liberties as the result of the activity of this committee, and other committees, is a much more dangerous threat to our freedoms.

If I may quote a great man from Illinois: "To strike at the freedom of the mind with the fist of patriotism is an old and ugly subtlety."

Mr. KEARNEY. Will the gentleman yield there?

Mr. DOYLE. Well, evidently you do have considered opinion.

Mrs. FLYNN. Well, I'm not a lawyer.

Mr. DOYLE. I think your answer would reveal very clearly to the American people that you have a very considered opinion.

Mr. KEARNEY. Will the gentleman yield for a question there?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. DOYLE. That is all I care to ask.

Mr. KEARNEY. That opinion that you just expressed is the unanimous opinion of members of the Communist Party, isn't it?

Mrs. FLYNN. You mean that quotation I just used?

Mr. KEARNEY. No; no—the previous answer.

(At this point Mrs. Flynn conferred with Mr. Allen.)

(Representative James B. Frazier, Jr., reentered the hearing room at this point.)

Mr. KEARNEY. Your belief about a Red scare. The stenographer can read your exact remarks.

Mrs. FLYNN. I just don't know—

Mr. ALLEN. What is the question?

Mrs. FLYNN. I just don't understand the question.

Mr. KEARNEY. I asked her if that was not the belief of members of the Communist Party.

Mrs. FLYNN. That I don't know.

Mr. ALLEN. What belief, Mr. Congressman?

Mr. KEARNEY. The answer the witness gave—and the stenographer has her exact language there—something about a Red scare.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I don't know. I really don't know, but the quotation that I used was from the words of the Democratic candidate for President.

Mr. KEARNEY. You believe that members of the teaching profession who are members of the Communist Party should teach our youth in public schools and colleges in the country today?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. Yes; I do. I think their competence as teachers should be judged on the basis of their actual teaching and their objectivity and their success as teachers be judged by other teachers and by the administration of the school or college with whom they work.

I don't think it's a question of a man's opinions, whether he is a follower of Sigmund Freud or John Dewey or Karl Marx. I think it's a question of how adequately he performs his function as a professor or as a teacher.

Mr. KEARNEY. Would you send your children to school to be taught by members of the Communist Party?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. Since you bring in the question of children—

Mr. KEARNEY. Yes—

Mrs. FLYNN. Yes.

Mr. KEARNEY. Assuming you have children.

Mrs. FLYNN. I have; yes.

Mr. KEARNEY. If you had children.

Mrs. FLYNN. I do have children. I have 3 children, 1 of them just starting in school, and I certainly want those children to go to school in an atmosphere where the teacher is not afraid to express an opinion because at some later time—perhaps 5 years hence, or 10 years hence—they might be called before a congressional committee to defend that statement of opinion.

Mr. KEARNEY. That is what you mean by academic freedom?

Mrs. FLYNN. By academic freedom, I mean the freedom to inquire into the truth as the individual person sees it and pursues it, and I mean the freedom to express opinion in a considered way, to put ideas in the market place for debate.



Mr. KEARNEY. Whether——

Mrs. FLYNN. It seems to me——

Mr. KEARNEY. Whether or not——

Mr. ALLEN. The witness hasn't finished, Mr. Congressman.

Mr. KEARNEY. I beg your pardon.

Mrs. FLYNN. It seems to me our way has always been and should continue to be the debating of ideas on the basis of the merit of the ideas, not on the basis of their sponsorship.

When it is suggested that books, for example, be judged on the basis of their authorship and not their content, this indeed seems to me a departure from our American tradition.

Mr. KEARNEY. Whether it be inimical to the interests of the United States or not?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. There can be nothing inimical to the interests of the United States about freedom of the mind.

Mr. SCHERER. Even if those ideas are taught today by a member of the Communist Party——

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. SCHERER. After all that has transpired and we are at war with the Communist Party, do you think that is true?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I think in the long run——

Mr. SCHERER. Do you think a member of the Communist Party——

Mr. VELDE. Just a minute. Let her answer that.

Mrs. FLYNN. I think in the long run the good ideas, the ideas that have worked, will prevail and the bad ideas will lose.

Mr. SCHERER. You didn't answer——

Mr. VELDE. Let's have a direct answer to the question, if you will, please.

Mrs. FLYNN. Would you repeat the question.

Mr. SCHERER. You didn't answer my question, Mrs. Flynn. I said: Whether those ideas are taught by a member of the Communist Party or not?

Mrs. FLYNN. Whether they're taught by a member of the Communist Party or the Republican Party.

Mr. KEARNEY. Have you ever read any of the statements of Mr. Foster, the head of the Communist Party in this country?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. WALTER. Mr. Chairman, I would like to ask a question, if I may——

Mr. VELDE. Mr. Walter.

Mr. WALTER. That I didn't ask the witness before.

You have testified, in your judgment, that what this committee is doing is a dangerous thing to American life. Of course, I do recognize the possibility of the abuse of the power of congressional inquiry, but do you think it is dangerous to our way of life to inquire into the teachings of people who, incidentally, are members of the teaching profession?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I think the effect of what you are doing, bringing teachers and ex-teachers in here to testify, is to frighten people——

Mr. WALTER. Well, do you think——

Mrs. FLYNN. All over the country.

I am sure that teachers now who have ever expressed an unorthodox idea are quaking in their boots.

Mr. WALTER. Well, then I would like to reassure all of those people, as of this minute, because this committee has not subpoenaed nor is it its intention to subpoena anybody that we don't think is an expert in the field of communism.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. WALTER. Now, we believe that you are an expert because we believe you have been for a period of years a member of the Communist Party.

We believe that. We have reason to believe it. We aren't making any frivolous charges. We have reason to believe that many of the witnesses—who, incidentally, are professors—have been active in the Communist Party.

Now, we would like to know how they attempted to indoctrinate young people who are in the period of their lives when they are susceptible to that kind of indoctrination, and we believe that you can be of great help to us because we are of the opinion that you are an expert in this field of communism.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. What is the question exactly?

Mr. WALTER. The question is: Do you believe that this inquiry is a dangerous thing to American life?

Mrs. FLYNN. I do. I do because I think it frightens not just Communists but any teacher who may have had any kind of an unorthodox idea in the current atmosphere, you understand.

Now, I've had quite a bit of experience with teaching college students; and if you're really worried about indoctrinating them, let me tell you here and now that the young people of this Nation are not easily indoctrinated, if one wanted to do that, which a good teacher doesn't want to do.

Mr. WALTER. Particularly since Korea and the present activities of the Communists in Russia?

Mrs. FLYNN. I think it's always true of young Americans. They have open minds. They have eager minds. They want to learn.

Mr. KEARNEY. Is that a result of your own experience?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. Well, I taught for a good many years and I'm judging it on the basis of the young people I taught.

Mr. DOYLE. May I ask this question, Mr. Chairman?

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. Madam, your reference a few minutes ago to teachers, professors, teaching objectively in the classrooms—and I wish to assure you, as a member of this committee—I'm in favor of that very much—

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. DOYLE. I certainly would not knowingly do anything to deprive American citizens freedom of speech, or thought, or worship; but, as I understand the Communist conspiracy that is abroad in the world, both militarily in Korea, Indochina, in Indonesia and other places, where I was just a few months ago for Congress, officially, and the American Communist practice in this country, my belief is,

from the evidence that we have, that in these days a member of the American Communist Party in the classroom has no freedom of thought for himself.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. DOYLE. He can't teach freely because his own thinking is under the domination and control of the Communist theories, procedures, and the subversive Communist conspiracy that is abroad in the world.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. DOYLE. In other words, I'm saying to you that, very sincerely, as a member of this committee and as an American citizen, from the evidence that I know that exists, there can be no freedom of teaching on the part of a professor in college or high schools in America these days if he is truly a member of the American Communist Party.

Mrs. FLYNN. Is that what you want me—

Mr. DOYLE. You talk about freedom in the classroom. How can there be when a man owes his allegiance mentally primarily to Moscow?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I've read a great deal about this in the press in recent weeks, and this—

Mr. DOYLE. Read about what?

Mrs. FLYNN. About the concept that a person is not free.

It seems to me that we should go back to the old-fashioned way of judging people on the basis of their conduct, on the basis of how they behave, and not on the—on drawing a conclusion from a premise that he is not free.

Now, I can't speak for all teachers, but I know that in general the average teacher feels it his primary duty to have a high loyalty to his material and to teach the material he is teaching in the most detached and objective way that he can in order to encourage young people to think for themselves; and I think you're underestimating American young people when you think that they're easily swayed in one direction or another.

Mr. DOYLE. No; I assure you I don't appraise the American young people as being easily swayed, but I do fight very vigorously against placing American young people in classrooms with conspirators of the American Communist Party—

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. DOYLE. Because I know they have no freedom of thought to teach.

Now, you, for instance—I beg your pardon in just being perfectly frank with you—believing, as we do, that you were—whether you are now or not—a member of the Communist Party, giving you credit for being sincere in claiming your constitutional privilege under the fifth amendment of our United States Constitution, apparently believe that it might incriminate you in some criminal relationship if you would come honestly and frankly and tell this committee, "Yes, I was a member of the American Communist Party at such-and-such a time, and I taught so-and-so." You apparently believe that by admitting that and helping us fulfill our official obligations that might incriminate you.

Now, I want to say to you, frankly, How in God's world could it possibly incriminate you if the American Communist Party is

not a criminal conspiracy to forcefully overthrow our form of government?

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. I decline.

Mr. DOYLE. Of course you do. I knew you would.

Mr. VELDE. We have had a——

Mr. KEARNEY. Your thoughts on the teaching in the schools and the colleges by members of the Communist Party. I'll say frankly, don't agree with those of the majority of the professors that we have had before this committee. They take the opposite view.

Mrs. FLYNN. Well, I agree with Senator Taft.

Mr. DOYLE. Well, you don't claim that Senator Taft agrees with you, do you?

Mrs. FLYNN. No; certainly not.

Mr. DOYLE. I just want the record to——

Mrs. FLYNN. On this specific issue.

Mr. DOYLE. Well, he doesn't agree with you on this specific issue, either, as I read his statement in the paper.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mr. DOYLE. He doesn't go the limit to defend the American Communist Party that you go to.

Mrs. FLYNN. Well, now, my understanding of what Senator Taft said was that if he were responsible he would not fire a teacher merely because he was a Communist, but he would judge him on the basis of his classroom record and activity.

(At this point Mrs. Flynn conferred with Mr. Allen.)

Mrs. FLYNN. And I agree with that.

Mr. DOYLE. I guess we better let him speak for himself.

Mr. VELDE. Mr. Counsel, is there anything further?

We have had a call to the House for a quorum.

Is there any reason why this witness should not be excused?

If not, the witness is so excused and the committee will stand recessed until 2 o'clock, at which time we will be in executive session.

(Whereupon, at 11:50 a. m., the hearing was recessed.)

## COMMUNIST METHODS OF INFILTRATION (Education—Part 2)

WEDNESDAY, MARCH 18, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

### PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to recess, at 10:44 a. m., in Room 362, Old House Office Building, Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Bernard W. Kearney, Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Francis E. Walter, Clyde Doyle, and James B. Frazier, Jr. (appearance noted in transcript).

Staff members present: Robert L. Kunzig, counsel; Louis J. Russell, chief investigator; Raphael I. Nixon, director of research; and Thomas W. Beale, Sr., chief clerk.

Mr. VELDE. The meeting will come to order.

Let the record show, Mr. Reporter, that present are Mr. Kearney, Mr. Jackson, Mr. Clardy, Mr. Scherer, Mr. Walter, Mr. Doyle, and the chairman, a quorum of the full committee.

Proceed, Mr. Counsel.

Mr. KUNZIG. Professor Glasser, will you please come forward?

Mr. VELDE. Will you raise your right hand, please?

Mr. GLASSER. May I use this <sup>1</sup> again?

Mr. VELDE. Certainly.

In the testimony you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GLASSER. I do.

Mr. KUNZIG. Professor Glasser, are you accompanied by counsel?

### TESTIMONY OF ABRAHAM GLASSER, ACCOMPANIED BY HIS COUNSEL, LEONARD B. BOUDIN

Mr. GLASSER. Yes; I am, Mr. Kunzig.

Mr. KUNZIG. Will counsel please identify himself for the record?

Mr. BOUDIN. Leonard B. Boudin—B-o-u-d-i-n—of New York City.

Mr. KUNZIG. Would you give your address, sir?

Mr. BOUDIN. 76 Beaver Street.

Mr. KUNZIG. You may be seated or did you wish to stand?

<sup>1</sup> Bible brought to hearing room by the witness.

Mr. GLASSER. I would like to start out standing up, anyway. I'll probably want to sit down eventually.

Mr. KUNZIG. All right.

Mr. BOUDIN. May I address a question to the committee?

Mr. VELDE. You may.

Mr. WALTER. Mr. Chairman, before any questions are addressed to the committee, I would like to ask Mr. Glasser a question based on a statement that apparently has been distributed prior to the meeting.

Mr. Glasser, you stated:

Professor Glasser has been called by the Velde committee after the most unfair type of advance publicity tactics by Mr. Velde.

That, sir, is not true.

Mr. GLASSER. Well, I——

Mr. WALTER. So that we start off on a firm basis——

Mr. GLASSER. I hold——

Mr. WALTER. Mr. Velde has never discussed this case publicly.

Mr. GLASSER. Sir, may I reply to that?

Mr. WALTER. Now, you go down into the next paragraph——

Mr. GLASSER. Will I have an opportunity to reply to that, sir?

Mr. WALTER. No; I am merely making a statement for the record in view of the fact you have seen fit to try your case in the newspapers, something that good lawyers never do.

Not content with persecuting Professor Glasser under the pretext of these old discredited charges, Mr. Velde is attempting also to use Professor Glasser's case as an opening wedge for mounting an apparatus——

a well-known Communist term——

whereby to terrorize college teachers on the lecture platform.

That sir, is also untrue and you are not being used as an opening wedge. You are about the sixth of your type of professor who has testified.

Mr. GLASSER. I repudiate any innuendo, sir.

Mr. WALTER. Well, all right. I am making that statement in order to straighten out the record before we get started.

Mr. KEARNEY. Mr. Chairman, there isn't any innuendo there. The statement speaks for itself, as has just been stated by Mr. Walter.

Mr. BOUDIN. May I address the question to the committee I was about to?

Mr. VELDE. It has been the rule of this committee—and this rule will be followed—that the counsel may confer with his client at any time during the proceedings, but not make any public statement.

Mr. BOUDIN. I see.

Then, may I address myself, my motion to the jurisdiction of the committee?

Mr. VELDE. Be seated.

Proceed, Mr. Counsel.

Mr. KUNZIG. Mr. Glasser, what is your full name?

Mr. GLASSER. Mr. Kunzig, before I answer that, which I will, of course, may I ask the chairman whether I may address motions in my own right to the Chair?

Mr. VELDE. Certainly; you may.

Mr. GLASSER. May I do that now?

Mr. VELDE. Certainly.

Mr. GLASSER. I move respectfully that the hearing be deferred and—first, on the following ground—and if this ground should turn out not to be based on the actual factual situation as of this moment, then I will withdraw the motion: The ground is that the committee members have been furnished with copies of the statement, the documentary history, of my Department of Justice matter, and, of course, that statement was submitted in the hope that, upon examining it, the committee members would see that there was no proper or good reason for calling me.

I, therefore, inquire whether the committee members have examined the statement—and if they have not, I will request a brief recess so that any who have not examined the statement might do so—so that if examination has already occurred by all the members present, I then move that the probe be dropped on the strength of that statement. If the statement has not yet been examined by all of the members of the committee, I then move a recess until the committee members may examine it.

Mr. KEARNEY. Mr. Chairman.

Mr. VELDE. Now, Mr. Glasser, if we grant the recess and the conference, as you have asked, will you then answer all questions without refusing to answer under the fifth amendment of the Constitution, or any other privilege that you might have?

Mr. GLASSER. Well, Mr. Velde, I honestly don't know yet what I'm going to do today. Sir, that's the truth. My mind isn't made up. I'm in the position of awaiting the unfolding of the proceedings.

Mr. KEARNEY. Mr. Chairman.

Mr. VELDE. We will stand in recess for 5 minutes.

(Thereupon, at 10:50 a. m., the hearing was recessed, to reconvene at 10:55 a. m., the same day.)

(The hearing reconvened at 10:55 a. m.)

Mr. VELDE. Proceed, Mr. Counsel, with your questions.

Mr. GLASSER. I want to thank the committee for taking the recess, and I have further—

Mr. VELDE. Proceed with your questions.

Mr. GLASSER. I may make no further motions?

Mr. VELDE. Not at this time.

Mr. GLASSER. All right.

Mr. VELDE. After the questions are put to you, if you decide whether you are going to answer or not, then we will consider further motions.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. My counsel reminds me the chairman stated that I would be permitted to make any motions, and since the motions are addressed to the jurisdiction of the committee—

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Will you state your full name, Professor Glasser?

Mr. GLASSER. Abraham Glasser.

Mr. KUNZIG. What is your address, Professor?

Mr. GLASSER. My mailing address, the record may show, is 37 Washington Street, Newark.

I am not giving my home address. I think you want identification of a mailing address.

Is that satisfactory?

Mr. KUNZIG. I would like to ask for your home address, and I hereby ask your home address.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. I think the members of the committee can understand the reason for a witness preferring not to state his home address.

Mr. DOYLE. Mr. Chairman, this witness is the same as any other American citizen and we are entitled to have his residence address, and I ask that it be given.

Mr. GLASSER. Under the——

Mr. VELDE. Yes. The Chair decides or feels very definitely there is no reason why you should refuse your home address, and I direct you to answer that question, Professor.

Mr. GLASSER. I will answer it, sir. I am going to answer it—under protest, my reason being fear of harassment.

Mr. CLARDY. Mr. Chairman, may I ask that he be instructed to proceed with the answering and stop making speeches.

Mr. WALTER. Just a moment. In that connection—the fear of harassment, you said—do you think there is anybody in the community in which you reside who hasn't read all the things you have said about this hearing?

Mr. GLASSER. My home——

Mr. WALTER. How could this come as a surprise to any of your neighbors when you, for days and weeks, have been making statements and issuing all sorts of pamphlets to the newspapers, and everybody that will look at them?

Mr. CLARDY. Before this committee had said a single word you were fleeing before you were being pursued.

Mr. GLASSER. I have been pursued for 12 years, sir.

Mr. CLARDY. Not by this committee. If you were pursued by somebody else, that is something that has nothing to do with us.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. GLASSER. My home address——

Mr. VELDE. Proceed.

Mr. GLASSER. My home——

Mr. KUNZIG. Will you give your home address now?

Mr. VELDE. I am sorry.

Mr. GLASSER. Mr. Velde, I think really there's not going to be much excitement here today. Let's all just take it easy.

My home address is 59 Morton Street, New York City—M-o-r-t-o-n.

Mr. KUNZIG. When and where were you born?

Mr. GLASSER. I was born December 14, 1914, in New Brunswick, N. J.

Mr. KUNZIG. Where were your parents born?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. My attorney suggests that I inquire as to the relevancy of that question.

Mr. KUNZIG. You are being asked the question, and I ask you now to answer. Where were your parents born?

Mr. GLASSER. I believe—this is under protest now, on the ground that the question is not relevant or pertinent—you see, both of my parents were born in very small villages in what was at the time Latvia, in Czarist Russia. The name of my mother's village, I believe, was Ahov—A-h-o-v—which is named after the River As, spelled——

Mr. CLARDY. How is that spelled?



Mr. GLASSER. With a capital letter A——

Mr. CLARDY. Pardon—A-h-o-v, or b? I didn't catch it.

Mr. GLASSER. V, as in victory.

Mr. CLARDY. Thank you.

Mr. GLASSER. My father, I think—he's been dead for many years, and I didn't ascertain during the epoch of my life when I would have had a precise curiosity about such things—my father, I believe, was born in a little village even smaller than the one my mother was, called Stradine—S-t-r-a-d-i-n-e—also in Latvia.

Mr. KUNZIG. Were they naturalized citizens of the United States?

Mr. GLASSER. Yes; I believe they were. I mean that's based on their statements to me. They were naturalized, I'm quite sure. They both voted for many years, and so on.

Mr. KUNZIG. Now, Professor, would you furnish the committee with a résumé of your educational background?

Mr. GLASSER. Yes. I attended public schools in two New Jersey towns—New Brunswick and Perth Amboy. I attended junior high school in Highland Park, N. J., which is a suburb or adjunct of New Brunswick. I attended high school in New Brunswick, N. J., graduated in 1930. Then I attended Rutgers University, got the degree of bachelor of arts in 1933.

Do you want scholarly distinctions, and so on, that occurred along the way, or just the educational——

Mr. WALTER. No.

Mr. VELDE. That is not necessary.

Mr. GLASSER. Then I attended the Princeton Graduate School from 1933 to December 1935, where I had obtained in June of 1935 the degree of master of arts and political science.

That concluded my formal education, except for this: That after I came with the Government in Washington I had the good fortune to be permitted by the bar examiners of the District of Columbia to take the bar examination in the District on the strength of having read law in the office of the Attorney General of the United States. My legal education, in other words, was of the old-fashioned type. I read law by myself.

Mr. KUNZIG. Now, would you furnish the committee with a résumé of your occupational background, your employment?

Mr. GLASSER. Usual boyhood jobs, clerk in delicatessen, et cetera, shoveling snow; then—yes, I worked for many years as a clothing salesman, part time, while I was going to school.

My first real full-time job was at the end of December 1935, when I had an offer from the Government to come to Washington. That was when I left Princeton.

Oh, pardon me—in the Government, I worked in the Department of Justice, under the title of special attorney assigned to research. I was not at that time a member of the bar. I was admitted to the bar in February or March of 1939, still being in the Department of Justice, at which time I was assigned to regular attorney's work. Maybe my title was changed. I've forgotten now.

I resigned from the Department of Justice on October 31, 1941, and transferred on November 1, 1941, to the OPA, in the Enforcement Litigation Division, where I handled the preparatory work and

later the courtwork on major constitutional test litigation for the OPA.

Mr. WALTER. When was it you obtained your position with the Department of Justice as an attorney?

Mr. GLASSER. December 26, 1935.

Mr. KUNZIG. Prior to—

Mr. WALTER. You had the classification of attorney—

Mr. GLASSER. I was—

Mr. WALTER. In 1935, despite the fact that you hadn't been admitted to the bar at that time—

Mr. GLASSER. That was—

Mr. WALTER. And you weren't admitted to the bar until 4 years thereafter?

Mr. GLASSER. That is right; yes. That was the practice at that time, sir. As a matter of fact, the reason I—

Mr. WALTER. Who was the Attorney General at that time?

Mr. GLASSER. Homer Cummings.

Mr. WALTER. In 1939?

Mr. GLASSER. In 1939, who was the Attorney General?

Somewhere in there Frank Murphy came in. I don't know just when. No; it was Jackson.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Murphy first, then Jackson. Wasn't Murphy after Cummings? I think so.

Shall I proceed with the statement of employment?

Mr. KUNZIG. I want to interrupt one moment here and ask at this time: Were you, when you went with the Department of Justice, a member of the Communist Party?

Mr. GLASSER. Now—

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. May I now make the motions I was going to make, Mr. Chairman?

Mr. VELDE. The question has been directed to you. You can answer it or refuse to answer it.

Mr. GLASSER. Well, I have to ask—

Mr. VELDE. And I direct the witness to answer it or refuse to answer.

Mr. WALTER. Now, Mr. Chairman, may I interrupt at that point?

May I suggest the question be made more specific, giving the date in 1935, the date that he obtained work and went to work for the Department?

Mr. KUNZIG. What was the exact date you went to work for the Department of Justice?

(Representative James B. Frazier, Jr., entered the hearing room at this point.)

Mr. GLASSER. I believe it was December 26, 1935.

Mr. KUNZIG. Now, were you on December 26, 1935, a member of the Communist Party?

Mr. GLASSER. I have to know what the question means. What do you mean by "member of the Communist Party"?

Mr. KUNZIG. I suggest that the chairman direct the witness to answer the question.

Mr. VELDE. Yes; the Chair feels there's no question at this time—

Mr. GLASSER. Sir, this—

Mr. VELDE (continuing). That the witness knows whether or not he was a member of the Communist Party——

Mr. GLASSER. Sir, this is very important to me.

Mr. VELDE (continuing). And I direct you——

Mr. GLASSER. May I explain?

Mr. VELDE. To answer the question, Mr. Glasser.

Mr. GLASSER. Then, since the Chair has refused, I am going to decline to answer the question for a number of grounds—on a number of grounds:

No. 1. Because the Chair has refused to allow me to state jurisdictional objections.

No. 2: Because the Chair has refused me a clarification of what this committee considers to be the meaning of the term "member of the Communist Party."

Mr. WALTER. Now, there are the three reasons and——

Mr. GLASSER. No: I'm still stating grounds for declining.

Mr. KEARNEY. You have more reasons?

Mr. GLASSER. Oh, yes; I have several.

Mr. WALTER. The principal reason is you were and don't want to admit it; isn't that the principal reason?

Mr. GLASSER. I repudiate the innuendo.

Mr. WALTER. No; that is not an innuendo. I am merely making a statement.

Mr. GLASSER. If that isn't an accusation, sir, will you make it under oath?

I'm being required to testify under oath.

I'm not trying to be impertinent, but I'm trying to bring home to you, sir, that that was unfair.

Mr. WALTER. Were you a member of the Communist Party at that time——

Mr. DOYLE. December 26.

Mr. WALTER. On the 26th of December?

Mr. GLASSER. May I continue my reasons for declining to answer that question?

The committee, I believe, has customarily allowed witnesses the right to state their reasons. Isn't that correct?

Mr. DOYLE. Yes.

Mr. VELDE. Yes——

Mr. GLASSER. Now——

Mr. VELDE. But not to argue.

Mr. GLASSER. I don't wish to argue, Mr. Velde.

Mr. VELDE. Mr. Glasser, we are out merely to determine facts relative to communism, Communist propaganda—the duty imposed on us by the House of Representatives.

Mr. GLASSER. Then, why did you call me?

Mr. VELDE. You could, if you saw fit, answer these questions, tell us the truth about any Communist or other subversive connections you might have had, and it would be very helpful to this committee.

Mr. DOYLE. Mr. Chairman.

Mr. VELDE. Now, the Chair will allow you to proceed with your reasons for refusing to answer. However, I would appreciate it very much if you would answer the questions——

Mr. DOYLE. Mr. Chairman.

Mr. VELDE. And I direct you——

Mr. DOYLE. I might state this: The witness has stated the question was indefinite wherein he was asked whether or not he was a member of the Communist Party. I might suggest that counsel ask him whether or not he was a member of the Communist Party on December 26, 1935, either in Russia or the United States, and that certainly would make it definite, wouldn't it?

Mr. GLASSER. Not definite enough.

May I explain why?

I don't want you to conclude that I'm being obstructive, simply obstructive.

Mr. VELDE. The witness is directed to answer or refuse to answer the question.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. I take it that I'm permitted to continue stating my reasons for declining to answer; is that correct?

Mr. VELDE. Yes; but not arguing.

Mr. GLASSER. No; I don't wish to argue, sir. I merely wish to state the reasons and where, on its face, the statement of a reason might not be meaningful, I would probably wish to add a few words of explanatory meaning; but I won't prolong or filibuster. Don't fear that.

I had already stated two reasons why I must at least at this time—at this stage of this proceeding decline to answer that question.

No. 1——

Mr. VELDE. Would you mind stating the reasons very briefly and simply, because we must get on with the hearing.

Mr. GLASSER. I'll be as brief as I can, Mr. Velde, I assure you.

Consonant with the mortal seriousness of this situation to me and the long time I've lived with it—I mean this is—this is it today, and I've got to be heard today, because this is it.

Now, I stated No. 1—that I decline because the chairman had refused me permission to state my jurisdictional objections, and it seems to me that I—I must, nevertheless, now, within the framework of this explanation of my reasons for declining just very briefly state what those jurisdictional objections were, not now by way of making a motion but by way of stating my reasons for declining, very briefly.

Mr. CLARDY. Mr. Chairman, I ask that he again——

Mr. VELDE. Now, he has——

Mr. CLARDY. Be directed——

Mr. VELDE. Promised to make it very brief and the chairman will——

Mr. KEARNEY. Mr. Chairman.

Mr. CLARDY. I have no faith in his promise, Mr. Chairman.

Mr. GLASSER. Mr. Clardy, I can't help that. I'm sorry that you don't have faith in my promise.

Mr. CLARDY. I don't think you are sorry at all, sir.

Mr. GLASSER. I'm truly sorry. In fact, I'm sorry, Mr. Clardy——

Mr. CLARDY. Get on——

Mr. GLASSER. Please don't address me in that tone, Mr. Clardy. I don't have to take abuse. That isn't fair.

Mr. CLARDY. Get on with your answer.

Mr. GLASSER. Now, my jurisdictional objections, very, very briefly, are that, as the committee has been informed:

No. 1: As the committee has been informed, this matter has been investigated and adjudicated in my favor on numerous occasions.

The precise question now on the—on the——

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER (continuing). On the record is whether I was a Communist on December 26, 1935. That question has been adjudicated in my favor. The committee knows that. It was adjudicated after a very exhaustive——

Mr. WALTER. Just a minute—at that point. The committee doesn't know that. The committee has been informed and is in possession of information to the contrary. The committee has been informed that you were a member of the Communist Party when you first obtained employment with the United States Government.

Mr. CLARDY. And the very statement you filed with the press the last time at least raises a suspicion in that direction, sir.

Mr. GLASSER. May I know why, sir?

Mr. CLARDY. Proceed.

Mr. GLASSER. Well, then, will you withdraw that remark?

Mr. CLARDY. No, sir.

Mr. GLASSER. Then, please explain it.

Mr. CLARDY. Will you direct him to answer the question?

Mr. VELDE. Will the witness please proceed?

Mr. GLASSER. Yes.

Mr. VELDE. And, remember, the witness promised he would make his——

Mr. GLASSER. Yes, sir.

Mr. VELDE (continuing). Reasons brief.

Mr. GLASSER. I am going to do my honorable best to keep that promise.

Mr. WALTER. Well, now, before we go on, Mr. Chairman, I would like to call your attention to the fact that we are not concerned with the reasons that a witness might have in his mind for not answering questions. The witness may decline to answer for constitutional reasons, and that is all.

It seems to me that we have already permitted too much time to be wasted, and I suggest that the witness ought to be directed——

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. WALTER (continuing). To proceed in the same manner as all other witnesses appearing before this committee.

Mr. CLARDY. I join with that.

Mr. VELDE. I concur with the gentleman from Pennsylvania, but I do feel, as a member of the bar, that you should have a brief chance to explain your reasons for your refusal to answer.

Mr. GLASSER. I appreciate that, Mr. Velde, truthfully, and man to man I appreciate that.

Mr. VELDE. And will you please make it brief?

Mr. GLASSER. Yes; I'll proceed. Interruptions may occur, but I'll proceed.

Then, I was in the course of stating—I was in the course of stating as a ground for my jurisdictional objections that these are matters which have been investigated and adjudicated in my favor by the following bodies:

(1) A special trial committee appointed by the Attorney General of the Department of Justice.

(2) —

Mr. VELDE. The Chair feels that you have gone into argument again—

Mr. GLASSER. Oh—

Mr. VELDE. And I direct you again to answer the question which was asked you by counsel; and if you don't remember, we will have the question repeated.

Mr. GLASSER. I beg your pardon.

Mr. VELDE. If you don't remember what the question was, we will have the question repeated.

Mr. GLASSER. No; I know the question.

Mr. VELDE. I direct you, without further argument—

Mr. GLASSER. I can't say any further reasons without answering? Is that your ruling?

Mr. CLARDY. He told you no further argument.

Mr. VELDE. Answer or refuse to answer.

Mr. GLASSER. Oh, yes. Now I will, of course.

Now, a second reason in support of my jurisdictional objection is that—and, Mr. Velde, please forgive me for this; there is no personal offense intended—Mr. Velde was formerly an official of the Federal Bureau of Investigation.

Mr. VELDE. The witness has done me a great injustice in promising to answer the question or refuse to answer it in a very brief statement.

I have given you every privilege that I know that we could give as a committee of Congress.

Now, I ask you, please, to answer or refuse to answer and state your constitutional grounds.

Mr. GLASSER. All right.

I've stated, then, the jurisdictional grounds to the extent that the committee will permit me to state them.

Next, because of the previous adjudications, the central one of which was in a statutory proceeding under Public Law 135 of the 77th Congress, and because in that proceeding there was a partial penalty imposed upon me, I, therefore, invoke, the double jeopardy provision of the Constitution by assimilation, by analogy—at least I invoke the right as assimilated to double jeopardy—for the same reasons.

Mr. WALTER. What offense do you think you are being tried for?

Mr. GLASSER. I beg your pardon.

Mr. WALTER. What offense do you think you are being tried for?

You ought to know, as a professor of law, this is not a criminal proceeding at all.

Mr. GLASSER. I think this committee is engaging in an accusatory activity with respect to me, and the matters of which I'm being accused are now today in the criminal area. Isn't that so, Mr. Walter? I mean, you know that.

Mr. WALTER. No; you are not being charged with anything. You are fleeing when you are not being pursued.

Mr. GLASSER. Mr. Walter, you charged me before when I was—

Mr. WALTER. No; we haven't charged you with anything.

Mr. GLASSER. You charged me, Mr. Walter—

Mr. WALTER. The only implication here came from your own lips when you expressed the apprehension that our distinguished chairman, because he had been a member of the FBI, might know more about you than he otherwise would.

MR. JACKSON. Professor Glasser, you are here before this committee because the committee has evidence of possible association within the Communist Party. This is an investigation designed to find which educators in America are or have been members of the Communist Party. The questions that will be directed to you are directed to that point alone, and it would be very helpful if, instead of entering into argument and debate, you would see fit to answer the questions as simply and as briefly as you can.

MR. CLARDY. And if you have no Communist connections and will say so directly, the committee will be glad to let that fact be known to the public.

MR. GLASSER. Oh, I know that, sir. I know——

MR. KEARNEY. I think, professor, I can clear this situation up, as far as your answer is concerned, by asking you this very simple question: Did you, on December the 26th, 1935, belong to any organization which advocated the overthrow of the United States Government by force or violence?

MR. GLASSER. May I have a pause there?

(At this point Mr. Glasser conferred with Mr. Boudin.)

MR. BODIN. May we have another moment?

MR. VELDE. May we have order, please?

(At this point Mr. Glasser conferred with Mr. Boudin.)

MR. VELDE. Proceed, Mr. Glasser.

MR. GLASSER. All right.

(At this point Mr. Glasser conferred with Mr. Boudin.)

MR. GLASSER. Mr. Chairman, it may be before the proceeding is over——

MR. KEARNEY. Mr. Chairman, I ask for a direct answer to the question I just asked. It is a simple question. He can refuse to answer on the grounds——

MR. GLASSER. Please——

MR. KEARNEY. He might incriminate himself, but, as far as these dilatory tactics are concerned, I protest against them and suggest that the witness be made to answer directly to any question asked.

MR. VELDE. The gentleman is certainly right.

Do you remember the question?

MR. GLASSER. I think so.

MR. VELDE. All right, Mr. Glasser.

MR. GLASSER. It was whether, on December 26, 1935, I was a member of any organization which advocated the overthrow of the Government by force and violence.

Did you use those words, sir?

MR. KEARNEY. Yes.

MR. VELDE. I believe that is right.

MR. GLASSER. All right.

Now, I'm going to answer that question, and I have only one condition, if I may use a word that might appear as though I'm taking airs unto myself with the word "condition," but I do have to do this. I have to ask the Chair to permit me to state what I understand to be the meaning of "organization advocating" and "Communist Party," and then I will answer.

May I do that?

MR. VELDE. The question is simple, plain, direct, Professor Glasser.

MR. GLASSER. Unless, sir——

Mr. VELDE. The Chair——

Mr. GLASSER. Unless I can get clarification——

Mr. VELDE. Directs you to answer or refuse to answer.

Mr. GLASSER. Why can't we have a clarification? What's wrong with that, truthfully?

Mr. VELDE. You have been directed to answer or refuse to answer this question.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Sir, without clarification, I cannot answer.

Mr. KEARNEY. Were you a member——

Mr. VELDE. Just a minute.

Mr. KEARNEY. Of the Communist——

Mr. GLASSER. Sir, I——

Mr. VELDE. Just a minute.

Mr. GLASSER. I beg your pardon. -

Mr. VELDE. You cannot answer the question? That is your answer?

Mr. GLASSER. Unless there is clarification.

Mr. JACKSON. Do you refuse to answer the question?

Mr. GLASSER. I refuse to answer the question unless there is clarification, and I will state—I have been stating grounds.

Mr. JACKSON. No; just your refusal is——

Mr. GLASSER. The grounds previously stated apply to this refusal, and I will now continue with further grounds.

May I do that?

Mr. JACKSON. Does your refusal in this instance also involve the use of the fifth amendment to the Constitution?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. I don't know yet, sir, because I'm going to be asking the committee whether they will accept this ground and the next ground; and if they don't I may come to the fifth. I don't know.

Mr. JACKSON. Professor Glasser, the committee is not going to be subject to any conditions you may make relative to what may subsequently happen.

You are being asked direct questions which can be answered by a direct answer.

Are you now a member of the Communist Party?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. I would like to answer that question, sir.

Mr. JACKSON. Well, please do. I should like to have an answer to it.

Mr. CLARDY. So would I.

Mr. GLASSER. But, you see, I want to answer a lot of your questions. But I want to answer them under protest, and I would like to state the grounds of my protest. That is all I want to do.

Mr. JACKSON. That isn't necessary. We will assume and it can be stipulated, as you lawyers say, that you are protesting your answer.

Are you now a member of the Communist Party, Professor Glasser?

Mr. GLASSER. Will it be stipulated——

Mr. VELDE. The witness is directed to answer that question——

Mr. GLASSER. Under the——

Mr. VELDE. Or refuse to answer it.



Mr. GLASSER. Under the most earnest protest as an American, as a freeman, as a passionate partisan of democracy—under those protests stated I answer I am not now a member of the Communist Party, provided that the term “membership in the Communist Party” is understood to mean actual, official, card-carrying, organizationally connected and integrated party membership.

Mr. JACKSON. Were you ever—

Mr. CLARDY. Were you—

Mr. KEARNEY. Were you a member of the Communist Party on December the 26th, 1935?

Mr. GLASSER. I previously declined to answer that question because I couldn't get clarification. Now, I think I've gotten clarification into the record now.

Mr. KEARNEY. Were you a member of the Communist Party on December 26, 1935?

That is a very simple question.

Mr. GLASSER. Then, subject to the clarification that I indicated a moment ago, I was not a member of the Communist Party on December 26, 1935.

Mr. JACKSON. Have you ever been a member of the Communist Party?

Mr. GLASSER. There my answer is as follows: The Department of Justice findings, dated October 24, 1941—

Mr. JACKSON. Mr. Chairman, I am not interested in the Department of Justice findings. I am interested in finding out whether the witness has ever been a member of the Communist Party.

I ask that he be directed to answer that question.

Mr. GLASSER. All right; I am going to answer that question for all periods of time, except the period of time covered by the Department of Justice adjudication.

Mr. JACKSON. You were never a member of the Communist Party, except for your declination or, rather—

Mr. GLASSER. I haven't answered. I am going to—

Mr. JACKSON. Your statement?

Mr. GLASSER. Answer it for all periods.

Perhaps my statement—perhaps the reporter better read that back.

Mr. JACKSON. No; just a minute. I want to pursue this just one moment.

Is the answer to my question this: That you have never been a member of the Communist Party at any time, at any place, except for the period of time covered by the—

Mr. GLASSER. That is not the same—

Mr. JACKSON. Department of Justice adjudication?

Mr. GLASSER. That is not my statement. My statement was: I will answer the question for all periods of time and for all places, subject to my protest, reservation, clarifications, et cetera. I will answer the question for all times and for all places except the times and places, except the times and places covered by the Department of Justice investigation and ruling in my favor made October 24, 1941, and thereafter ratified by several agencies, including the Supreme Court of the United States.

Mr. JACKSON. Were you a member of the Communist Party during the period of time to which you take exception here, during the adjudication of your case by the Department of Justice?

Mr. GLASSER. For the reasons which I have already stated, and for other reasons, which I shall endeavor to place upon the record, as the committee's grace will allow during the course of the hearing, I am declining to answer the question as to whether I was a member of the Communist Party, which we are to take in either a clarified or unclarified meaning. I am declining to answer that question for the period covered by the Department of Justice investigation and ruling.

Mr. JACKSON. And you——

Mr. VELDE. Professor——

Mr. JACKSON. Do so decline to answer?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Now, may I state my reasons for declining?

Mr. JACKSON. You do so decline to answer——

Mr. VELDE. You have already stated your reasons.

Mr. JACKSON. As to that period of time?

Mr. GLASSER. I haven't really had an opportunity to state my reasons in what I consider to be the fair sufficiency of detail to protect me against a contempt citation perhaps, against action by my university, against misunderstanding among the public at large.

Mr. SCHERER. Now——

Mr. GLASSER. This is just a fair deal that I am asking for.

Mr. SCHERER. Mr. Chairman.

Mr. GLASSER. Let me state my reasons.

Mr. SCHERER. Mr. Chairman, I haven't said anything.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Professor, as a lawyer you know that there is only one reason why you can refuse to answer the question propounded, and that is the ground that under the fifth amendment your answer might tend to incriminate you.

Now, if that is your answer, you can so state and this committee will ask no further questions on that subject.

Now, that is the only reason, as I understand the law, as a fellow lawyer—and you know as a fellow lawyer that is the only reason—before this committee why you can refuse to answer that question.

Mr. GLASSER. Sir, I know that has been the practice of this committee.

Mr. SCHERER. That isn't the practice of this committee. That is the law of the land.

Mr. GLASSER. There I must dissent.

You see, it may be that this case, this very case——

Mr. CLARDY. Mr. Chairman, may I ask a question?

Mr. VELDE. The witness is arguing, and I ask the counsel to proceed.

Mr. CLARDY. May I ask a question?

Mr. VELDE. Proceed with the questions, Mr. Counsel.

Proceed, Mr. Counsel.

Mr. GLASSER. What is that?

Mr. VELDE. Proceed, Mr. Counsel.

Mr. CLARDY. Mr. Chairman, I have a question I would like to ask the witness.

Mr. VELDE. Yes.

Mr. GLASSER. Yes.

Mr. VELDE. Pardon me, Mr. Clardy.

Mr. CLARDY. Witness, in some of your previous——

Mr. VELDE. Proceed, Mr. Counsel.

Mr. CLARDY. Oh.

Mr. KUNZIG. Mr. Chairman, before we proceed with the next question——

Mr. GLASSER. Well, I haven't finished stating my reasons for refusing to answer the previous question. I may want to invoke the fifth amendment. I may want to invoke the fifth amendment.

Mr. VELDE. The questions will be asked by counsel.

Mr. GLASSER. Am I to be forbidden to invoke the fifth amendment?

Mr. VELDE. The Chair would appreciate it if the witness would answer the questions or refuse to answer the questions.

Mr. GLASSER. Mr. Velde, am I to be forbidden to invoke the fifth amendment here?

Mr. JACKSON. Of course you will not be forbidden to invoke the fifth amendment. If you wish to invoke the fifth amendment, will you please invoke it and get it over with?

That is all we are asking you to do.

During the period of time which you declined to cover in your general denial of membership in the Communist Party, that period of time during which your case was being adjudicated in the Justice Department, were you a member of the Communist Party?

Mr. GLASSER. Now, I have declined to answer that question.

Mr. JACKSON. Upon——

Mr. GLASSER. Upon various——

Mr. JACKSON. Upon the grounds of the fifth amendment?

Mr. GLASSER. Not yet. I have one——

Mr. JACKSON. Well——

Mr. GLASSER. I have one anterior ground.

Mr. JACKSON. Let us get to the legal——

Mr. GLASSER. All right.

Mr. JACKSON. Constitutional basis for your declination to answer the question.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. May my attorney speak?

Mr. JACKSON. Of course.

Mr. BOUDIN. May I point out that there are other grounds, Mr. Jackson, than the fifth amendment and that the Court of Appeals in the District of Columbia has stated various other grounds in the Bowers case.

Mr. VELDE. As I stated to you before, you are allowed to confer with the witness, and I think the counsel will agree we have given you every privilege and opportunity to confer with your client.

Mr. BOUDIN. You have not given my client an opportunity to express his views to you.

Mr. VELDE. It has been the ruling of this congressional committee, and it will continue to be the ruling of this committee, that you may confer with your client, but not make any arguments as far as you, yourself, are concerned.

Mr. BOUDIN. I don't want to argue.

Mr. VELDE. Unless you are under oath, of course.

Mr. BOUDIN. I would be perfectly willing to state what the law is under oath. I know that the law is not as Mr. Jackson said—excuse

me a second; let me consult with my client, and he can state what the law is.

Mr. VELDE. You may have an opportunity to consult with your client.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. I am ready to proceed.

In four short phrases, the total of which will not take 15 seconds, my first anterior grounds for declining to answer are that the matter has been adjudicated, with all of the adjunct legal consequences attaching thereto; No. 2, that the committee is without jurisdiction in this matter: Witness the decision in the *Rumely* case from the Supreme Court the other day, within the past week; No. 3, the first amendment, as witness the concurrence in the *Rumely* decision of the Supreme Court in this past week; No. 4, the question of pertinency which is to be integrated with the question of prior adjudication, as witness the *Bowers* case on the Circuit Court of Appeals for the Seventh Circuit—District of Columbia, within the past few weeks.

Now, a fifth ground, before I come to the fifth amendment—as a matter of fact, I now come to the fifth amendment.

Please, I ask now that the members listen closely because I am going to ask you specifically whether you will still direct me to answer after I have stated this next ground.

It is my understanding that this committee and kindred committees of the Congress consider that the invoking of the self-incrimination provision of the fifth amendment is an admission of guilt. I will not ask the committee whether that is a correct summary of its position.

I have a number of citations from the transcripts of this committee that so indicate.

Mr. VELDE. I believe that I can speak for the committee and say that the use of the fifth amendment, the self-incrimination provision, is not considered by any member of this committee or by the committee as a whole as constituting an affirmative statement that you are a member of the Communist Party.

Mr. GLASSER. That is an admission of guilt—you are saying it is not even an admission of guilt?

Mr. BOUDIN. It is not.

Mr. GLASSER. That is wonderful news for the whole country, Mr. Velde, really.

Mr. KEARNEY. Are you just catching up with that?

Mr. GLASSER. Would you like me to read back from—

Mr. KEARNEY. No.

Mr. CLARDY. No, we don't care to hear any of that.

Mr. GLASSER. Mr. Kearney, I have here—

Mr. VELDE. Proceed.

Mr. GLASSER. All right. Why, since upon the records of this committee there are indications that the invoking of the fifth amendment is an admission of guilt, I then suggest the following as my penultimate—that means next to the last—ground, and it is as follows:

Within the structure of the due-process clause of the fifth amendment there has today occurred an impasse of procedural fairness before committees such as this committee in the following respect: If a man invokes the fifth amendment—

Mr. KUNZIG. Mr. Chairman, I should like to suggest that the witness be directed to answer the question. This stating of grounds and these speeches and the various explanations and illustrations given are reaching the absolute ludicrous. I suggest the witness be directed to answer the question or to stand upon the fifth amendment, and not to go on for the rest of this day and 6 weeks further.

Mr. VELDE. Proceed and answer the question. You are so directed.

Mr. GLASSER. Structured within the due-process clause, having in view the impasse of procedural fairness which has occurred, for the reasons I stated. I therefore now state as follows: I invoke the fifth amendment due-process clause integrated with the fifth amendment self-incrimination provision as a ground for my declining to answer that question on this ground, that to invoke the fifth amendment self-incrimination provision alone as a ground for declining to answer the question, to invoke the fifth in itself, would incriminate me. Will the committee accept that?

Mr. JACKSON. Well, now, having given the committee members a lesson in grammar and a lesson in law, my understanding of your answer—I take back the lesson in law.

Mr. CLARDY. Not a very good lesson.

Mr. JACKSON. My understanding of the answer to my question is that you take the legal ground, the constitutional legal ground, for refusing to answer—

Mr. GLASSER. So far.

Mr. JACKSON. Plus the other reasons which you have stated.

Mr. GLASSER. This is as far as I have gone so far.

Mr. JACKSON. Well, we got up and passed the fifth amendment. That is at least a step in the right direction.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. GLASSER. Mr. Jackson, do you realize I have not yet invoked the self-incrimination provision of the fifth amendment as a ground for declining to answer?

Mr. JACKSON. You have not invoked it?

Mr. GLASSER. I have not.

Mr. JACKSON. Do you so invoke it?

Mr. GLASSER. I have asked for a ruling on my other grounds.

Mr. JACKSON. You have stated them for the record.

Mr. VELDE. You have been directed to answer or refuse to answer the questions, Professor.

Mr. GLASSER. I take it the grounds are overruled, although there has been no formal action to that effect.

Mr. DOYLE. Just a minute, Mr. Chairman. I want the record to show there is no overruling or ruling on anything. (Addressing the witness.) You as a lawyer know this is not a court, and you are trying to make monkeys out of this committee, that is what you are trying to do, sir.

Mr. GLASSER. No, sir; I deny that.

Mr. DOYLE. I submit the record will show that. I am a lawyer, too, and I know what you are trying to do.

Mr. GLASSER. No, sir; I am trying to stand up for my rights. I am a persecuted person.

Mr. DOYLE. I just wish the record to show further on that point this: This committee is not a court. It does not undertake to rule on your rights at all. You have a perfect right, and that has always been my

position as a member of this committee: For any witness to plead or to invoke any part of the United States Constitution, the first and fifth amendments. And I wish to say this, sir, to you, that I know of no member of this committee who ever inferred directly or indirectly that because you invoke it is a plea of guilty or anything of that sort.

We have never held that. We have never thought that. You have a perfect right to plead your constitutional rights.

Mr. GLASSER. Sir, I hail—

Mr. DOYLE. We respect it.

Mr. GLASSER. I think many good people will hail that statement. It is the first time—I say it to this whole room and this committee—I say it is the first time that has been clearly or even inferentially or suggestively stated by this committee.

Mr. DOYLE. No. I have often publicly so stated.

Mr. GLASSER. Excellent; I commend you, sir, I really do.

Mr. VELDE. Mr. Counsel—

Mr. GLASSER. I now finish—

Mr. VELDE. Just a minute, please. I would respectfully request the members as well as the witness—

Mr. GLASSER. I am sorry, sir.

Mr. VELDE. I would respectfully request the members as well as the witness to allow the counsel to proceed at this point.

Mr. JACKSON. I have a question pending, Mr. Chairman, which at the time has not been answered, and if counsel wants to pursue that particular question—but I do want a definite and positive answer to the question which I have asked, and that is, during the period of time that the witness' status was being adjudicated by the Department of Justice, was he a member of the Communist Party?

Mr. GLASSER. I do not think that is the question, sir.

Mr. JACKSON. That is good enough. The substance of it is there. Were you during that time a member of the Communist Party?

Mr. GLASSER. I don't mean that; I mean that the period of time must be defined. The period of time is the period of time covered by the Department of Justice investigation and ruling.

All right.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. With one more statement for the record, that I am protesting against not having been allowed sufficient leeway for the statement of my grounds. I now then decline to answer the question, which I believe is: Was I a member of the Communist Party or member of an organization advocating overthrow, etc.?—those terms being undefined, and my reasons for declining not being sufficiently stated, I now decline to answer that question.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. First, that there was a prior adjudication that I was not; and, second, on the ground of the fifth-amendment provision that no person may be required to be a witness against himself.

Mr. WALTER. In any criminal procedure, you ought to know that.

Mr. GLASSER. Yes, sir; I know that.

Mr. KUNZIG. Mr. Glasser, were you ever at any time suspended by the Department of Justice of the United States of America?

Mr. GLASSER. The committee has that information; therefore, there is no legislative pertinency in the question.

Mr. KUNZIG. I ask the chairman that the witness be directed to answer the question.

Mr. VELDE. Yes; that is a perfectly legitimate question. The witness is directed to answer.

Mr. GLASSER. All right. Under the protest indicated, I answer "yes"; I was suspended.

Mr. KUNZIG. I ask that you mark this "Exhibit 1" for identification. (Letter to Mr. Abraham Glasser marked "Glasser Exhibit No. 1" for identification.)

Mr. GLASSER. May I smoke, Mr. Chairman?

Mr. VELDE. Certainly.

Mr. KUNZIG. Mr. Examiner, I have had a document marked "Exhibit 1, Glasser case," and I ask permission to read it into the record.

Mr. VELDE. It is so ordered.

Mr. KUNZIG (reading):

Department of Justice, Washington, D. C., June 17, 1941—

Mr. GLASSER. I can tell you that from memory.

Mr. KUNZIG. I am sure you can, Mr. Glasser.

A letter to Mr. Abraham Glasser:

MY DEAR MR. GLASSER: Effective as of this date, you are suspended as a special attorney, Antitrust Division, Department of Justice, until further notice.

Respectfully,

ROBERT H. JACKSON,  
*Attorney General.*

By MATTHEW F. MCGUIRE,  
*The Assistant to the Attorney General.*

Mr. BOUDIN. Could I just see that for a second if you are reading something into the record?

Mr. KUNZIG. You have a copy. It is printed in the 50-page brief which you brought to Washington last week.

Mr. GLASSER. No.

Mr. BOUDIN. No; you are incorrect. It was a good rejoinder, but you are wrong.

Mr. KUNZIG. Mr. Chairman.

Mr. BOUDIN. May I look at it for a moment? I do not want to make a comment. I just want to see the exhibits as they go in.

Mr. KUNZIG. Mr. Chairman—

Mr. GLASSER. Are you addressing me, Mr. Kunzig?

Mr. KUNZIG. Are you the chairman?

Mr. GLASSER. No.

Mr. KUNZIG. All right.

I now offer this document, Exhibit 1, for identification, into evidence as Glasser Exhibit No. 1.

Mr. VELDE. It will be received.

Mr. KUNZIG. Mr. Chairman, our investigation has produced records which show or confirm the situation involved in this Glasser letter. I have here a document marked "Exhibit 2, Glasser," for identification and I should like permission to read this document into the record.

Mr. VELDE. Permission is granted, and it is so ordered.

(Memorandum for Hon. Matthew F. McGuire marked "Glasser Exhibit No. 2" for identification.)

Mr. KUNZIG (reading):

"Department of Justice, Washington, D. C."

You may wish to sit down if you care to, Mr. Glasser.

Mr. GLASSER. Yes; thank you.

(At this point Representative Donald L. Jackson left the hearing room.)

Mr. KUNZIG. This will take a little time. [Continues reading:]

July 23, 1941.

MEMORANDUM FOR HON. MATTHEW F. M'GUIRE, THE ASSISTANT TO THE ATTORNEY GENERAL, RE ABRAHAM GLASSER

Abraham Glasser is an attorney employed in the Antitrust Division of the Department of Justice. On June 17, 1941, he was suspended. This action was taken on the basis of reports from the Federal Bureau of Investigation, the contents of which are hereinafter discussed. The investigation has continued since that time, and additional information has been obtained. The various reports have been reviewed by the undersigned, and their pertinent portions are summarized in this memorandum.

\* \* \* The confidential reports of the Federal Bureau of Investigation conclusively demonstrate that among his friends and acquaintances Glasser numbers at least some Communists, who discuss and correspond with him concerning communism and indicate that they are sympathetic to its doctrines.

Section 9A of the Hatch Act (act of Aug. 2, 1939; 53 Stat. 1147) makes it unlawful for any person employed by any agency of the Federal Government to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States. It will be observed that this provision of the Hatch Act does not use the phrase "force and violence." It proscribes membership on the part of Government employees in any organization which advocates the overthrow of the constitutional form of government in the United States, irrespective of whether or not such overthrow is to be accompanied by force and violence. The provision is obviously directed at the Communist Party, among other organizations.

This inference is clear from the legislative history of the provision. Section 9A was added to the bill by an amendment introduced on the floor of the House by Congressman Nichols. In explaining the purpose of his proposal and in enumerating the groups that he intended to reach, he specifically named Communists, Fascists, and members of the German-American Bund (Congressional Record, vol. 84, p. 9635, July 20, 1939).

The Department of Justice Appropriation Act for the fiscal year ending June 30, 1942 (act of June 28, 1941, Public Law No. 135, 77th Cong.), section 504, provides that no part of any appropriation appropriated by the act should be used to pay the salary or wages of any person who advocates or who is a member of an organization that advocates the overthrow of the Government of the United States by force or violence.

In the light of the discussion that follows, however, it is not necessary to determine whether there is sufficient proof that Glasser is a member of any organization that advocates the overthrow of the Government of the United States, or whether he himself advocates such overthrow by force or violence. It is the view of the undersigned—

Mr. GLASSER. Who is the undersigned?

Mr. KUNZIG. The undersigned is Alexander Holtzoff, presently a judge—

Mr. GLASSER. I thought so.

Mr. KUNZIG. I ask that the witness be directed to refrain from comments.

Mr. VELDE. Would you please wait until after the question is asked you.

Mr. KUNZIG. Alexander Holtzoff, then with the Department of Justice and presently a judge in Washington, D. C. [Continues reading:]

It is the view of the undersigned that the matter under consideration should be disposed of on another ground, which is about to be discussed.

(At this point Mr. Glasser conferred with Mr. Bondin.)



Mr. KUNZIG. (Continuing to read):

II. An agent of the OGPU, who will be referred to in this memorandum as "X"\* and who is now in custody in Canada, was examined at length by Canadian authorities and others.

There is an asterisk after the letter X, and at the bottom of the page, page 4 of this memorandum which is "Exhibit 2, Glasser," it states:

The real name of "X" is found in the confidential reports of the Federal Bureau of Investigation; but as Glasser did not know "X" by the latter's real name, "X's" name will not be disclosed in this memorandum. [Footnote in original document.]

I wish to state to the chairman that X's name will be disclosed further in this hearing. [Continues reading:]

An agent of the OGPU, who will be referred to in this memorandum as "X" and who is now in custody in Canada, was examined at length by Canadian authorities and others. In the course of these interviews "X" stated that during the latter part of 1937 and the early part of 1938, while he appears to have been operating from New York as headquarters, he had a contact in the Department of Justice in Washington, whose name he gave as Abraham Glasser. "X" stated that one Nikolai Stern, who also was an OGPU agent and was "X's" superior, arranged for the first meeting between "X" and Glasser. According to "X," he and Glasser met between 7 and 10 times during that period. Some meetings were in Washington and some in New York. "X" came down to Washington a number of times to meet Glasser, while on other occasions Glasser went to New York to meet "X." "X" further states that Glasser secured information which he believed would be of benefit to the OGPU and turned it over to "X" in writing. "X" declined to be explicit as to the exact nature of the information obtained from Glasser, but stated that most of it related to the Spanish War; and that occasionally Glasser was given 4 or 5 names to check from the Department of Justice files and submitted to "X" written reports in respect to them. "X" then turned them over to his superior officers. "X" declined to give further details as to the contents of the reports.

Thereafter, a photograph of Glasser was sent to Canada. Upon being confronted with it, "X" identified it as the photograph of the Abraham Glasser with whom he had contacts. It is clear, therefore, that there can be no contention of mistaken identity or that the person with whom "X" had contacts was some other person by the same name.

"X" further stated that Nikolai Stern, who has already been referred to, and one Ovakimian, another OGPU agent, who was recently arrested on a charge of acting as a foreign agent without registering as required by law, had contacts with Glasser, both before and subsequently to the period during which "X" was in communication with him.

"X" stated that Glasser did not receive any money, but engaged in the above-described activity because he was a fanatical Communist supporter. This statement is contradicted by "X's" wife, also in Canada, who stated that her husband told her that on one occasion he paid money to Glasser.

It thus appears that Glasser has been in communication with and furnishing information to spies of the Soviet Government. Even if we were to indulge in the somewhat farfetched assumption that Glasser was the dupe of these shrewd and insidious individuals, and did not realize the full import of these activities, that very fact would make his presence in the Department of Justice as dangerous as though he were in the pay of foreign agents.

The undersigned is not unmindful of the effect that any action taken in this matter may have on Glasser's future. On the other hand, the undersigned is fully cognizant of his responsibility to the Government. The facts just reviewed preclude any other alternative than a recommendation that Glasser be dismissed with prejudice.

Accordingly, it is recommended that Glasser be dismissed with prejudice.

In view of the fact that Glasser's position is not in the classified civil service, the Attorney General has a legal right to terminate his services without any explanation. It would seem better, however, that Glasser should be apprised of the foregoing and be given an opportunity to state his position before final action

is taken. No reason appears why this memorandum may not be shown to him or to his counsel, the firm of Covington, Burling, Rublee, Acheson, & Shorb.

Signed, Alexander Holtzoff.

Mr. VELDE. At this point I declare that we will be in recess for 10 minutes.

Mr. GLASSER. May I just say one thing?

Mr. VELDE. Recess.

(Whereupon a short recess was taken, after which the following committee members were present: Representatives Harold H. Velde (chairman), Bernard W. Kearney, Kit Clardy, Gordon H. Scherer, Francis E. Walter, Clyde Doyle, and James B. Frazier, Jr.)

Mr. GLASSER. Mr. Chairman, may I say something—

Mr. VELDE. Proceed, Mr. Counsel. Counsel has some other matters.

Mr. BOUDIN. We want to object to the reading—

Mr. VELDE. Proceed, Mr. Counsel.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Mr. Velde, will I not be permitted to state an objection at this time?

Mr. VELDE. Mr. Counsel.

Mr. KUNZIG. Mr. Chairman, I should like to offer another document into evidence, exhibit 3, so marked, "Exhibit 3, Glasser," for identification which is as follows—and I should like permission to read this document into the record.

Mr. VELDE. Permission is granted.

(Memorandum for the records marked "Glasser Exhibit No. 3" for identification.)

Mr. BOUDIN. I object.

Mr. KUNZIG (reading):

Office of the Attorney General, Washington, D. C. October 24, 1941. Memorandum for the records. In re: Abraham Glasser.

Mr. GLASSER. What was that date? I am sorry.

Mr. KUNZIG. October 24, 1941.

Since the memorandum of August 12, 1941 (hereto attached) summarizing the progress of this matter up to that date, additional reports have been received from the FBI. We, having been further advised that the material facts uncovered by the investigation (except for the identity of the main informer) could be disclosed to Mr. Glasser for the purpose of a hearing, have today granted such hearing.

It is not necessary here to repeat the charges against Glasser as they are contained in the memorandum of August 12, except to add that the later reports showed that Glasser in all likelihood did not know the true identity of the informant\*

then there is a star—

—nor the nature of his activities, and the true purpose for which he might wish the information allegedly sought from Mr. Glasser. Mr. Glasser denied the commission of any of the improprieties described by—star. He denied that he knew anyone who fit the scene portrayed by—star—activities—

I might add that whenever I say "star," there is deletion in the documents,

—and either denied or said that he did not recall any of the meetings or conversations described by—star.

In the course of his statements at the hearing Glasser admitted that he discussed with some of his friends matters which came to his notice in connection with his official duties, or recounted to them what he considered to be interesting details of cases or incidents which were contained in the files or correspondence

of the Department of Justice coming to his attention. He explained this conduct by saying that the subjects were ones in which he had an intense personal interest, and which moved him to their discussion with persons having a similar interest in them. He placed these occurrences in a period beginning about the middle of 1937 and extending through the early part of 1938.

Upon a consideration of the entire record, and of the statements of Mr. Glasser, the committee consisting of Assistant Solicitor General Charles Fahy, Special Assistant to the Attorney General Edwin Dickinson, and myself—

And it is signed by Ugo Carusi, executive assistant to the Attorney General—

have reached the following conclusions:

1. The charge that Mr. Glasser is a Communist or belongs to a communistic organization knowing it to be such, is not sustained.

2. His contacts with—star—if they existed, were not inspired by motives of disloyalty, nor by the desire knowingly to misuse his official position to the advantage of an ill-intentioned outsider.

3. Glasser has been negligent in the manner in which he has treated the contents of the official files and papers of the Department of Justice.

4. Because of his careless and improper disclosure of official information, he should tender his resignation effective at the close of business on October 31, 1941, his status of suspension being terminated as of the close of business July 31, 1941.

Signed, Ugo Carusi, executive assistant to the Attorney General; Charles Fahy, Acting Solicitor General; Edwin D. Dickinson.

In the lower left-hand, "Approved. F. B. 11/6/41," which I call to the attention of the chairman is a date after the date on which Mr. Glasser was requested to tender his resignation.

I offer this document in evidence as Glasser Exhibit 3.

Mr. VELDE. It will be received.

Mr. GLASSER. May I speak now, Mr. Chairman?

Mr. VELDE. Does counsel have further questions?

Mr. KUNZIG. I have further questions, yes, Mr. Chairman.

Mr. GLASSER. May I speak before the questions are put?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. KUNZIG. Professor Glasser, while you were employed by the United States Department of Justice, did you become acquainted with an individual by the name of Armand Labis Feldman, A-r-m-a-n-d, L-a-b-i-s, F-e-l-d-m-a-n?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. For the reason that this is an adjudicated matter—

Mr. KUNZIG. Mr. Chairman, I should like to suggest that if we are going through the same list of reasons—

Mr. GLASSER. No.

Mr. KUNZIG. That the witness merely state the same reasons.

Mr. GLASSER. You mean refer back to the previous reasons; is that what you mean?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. All right. For the reasons previously stated, and further—now I have new reasons—because the introduction of the Holtzoff memorandum was the introduction of what is in effect merely an indictment by a prosecuting official—

Mr. VELDE. The Chair does not recognize that as any—

Mr. GLASSER. I know, but—

Mr. VELDE. Reason, under law—

Mr. GLASSER. I wish to place on the record—

Mr. VELDE. Under law or under conscience—

Mr. GLASSER. My conscience is very good, sir.

Mr. VELDE. As a reason for refusing to answer this question. Answer the question.

Mr. KUNZIG. May I state that the witness has now stated his entire purpose in the statement he just made. He is trying to get something on the record. He said, "I know that, I am just trying to get it on the record." I suggest—

Mr. GLASSER. I meant that I knew this committee would reject it. But that does not mean that this committee acts legally when it does so.

Mr. KUNZIG. He was asked, Mr. Chairman, a specific question, and I suggest that the Chair direct that he answer the question or give his reasons therefor.

Mr. BOUDIN. He is giving his reasons.

Mr. VELDE. You are directed to answer the question.

(Representative James B. Frazier, Jr., left the hearing room at this point.)

Mr. KUNZIG. Do you know Armand L. Feldman?

Mr. GLASSER. For the reasons I have heretofore stated, I decline to answer that question, and for the additional reason—

Mr. VELDE. The committee will stand in recess.

Mr. GLASSER. Which I have not been permitted to state—

Mr. VELDE. The committee will stand in recess until 2 o'clock.

(Thereupon, at 12:10 p. m., the hearing was recessed, to convene at 2 p. m., same day.)

#### AFTERNOON SESSION

(At the hour of 2:07 p. m., of the same day, the proceedings were resumed, Representatives Harold H. Velde, Bernard W. Kearney, Kit Clardy, Gordon H. Scherer, Francis E. Walter, and Clyde Doyle being present.)

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Professor Glasser, to keep the record clear, I am going to go back to the last question just before the end at the luncheon recess.

Mr. VELDE. Just a minute, Mr. Counsel.

Let the record show that at present Mr. Kearney, Mr. Clardy, Mr. Scherer, Mr. Walter, Mr. Doyle, and the chairman, a full quorum, are present.

I am sorry, Mr. Counsel. Proceed.

Mr. KUNZIG. While you were employed by the United States Department of Justice, did you become acquainted with an individual by the name of Armand Labis Feldman?

#### TESTIMONY OF ABRAHAM GLASSER, ACCOMPANIED BY HIS COUNSEL, LEONARD B. BOUDIN—Resumed

Mr. GLASSER. That question was answered, I believe.

Mr. KUNZIG. Would you answer again? The stenographer does not have the notes from this morning with her.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Well, I will just state for the record that I reiterate the reply I gave before the recess, which is a matter of record now.

Mr. KUNZIG. Would you repeat the reply you gave before the recess?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Mr. Chairman, may I at this point or at some point very briefly recite my objections to this entire line of questioning? I haven't done that yet.

Mr. VELDE. How briefly, Professor?

Mr. GLASSER. I would say literally, say, a maximum of—well, I won't do it in 3 minutes. I may take 5, but I doubt it. I doubt that it will take 5.

Mr. WALTER. Now, Mr. Chairman, I would like to interpose an objection. What do we care what his complaint is about this committee or his objections to the line of questioning? We are not going to pay any attention to the objections to the line of questioning. We are not going to pay any attention to the objections.

I do not know why we deviate from the usual procedure.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Sir, I think that this committee—I would submit to this committee that it is under an obligation to observe the requirements of the law.

Mr. VELDE. We don't need your observations as the gentleman from Pennsylvania just mentioned.

Mr. WALTER. We know the law just as well as you, and maybe better.

Mr. VELDE. What we want are facts and information, and I ask you again if you will please give us those facts and that information without any legalistic argument. You are not in a court of law; you are before a congressional committee. We are doing our best to determine facts, and I certainly would appreciate it if you would answer the questions as they are asked of you by counsel.

Mr. GLASSER. I think the committee has been in part fair with me, but not altogether fair. I appreciate—

Mr. WALTER. We don't care about your opinion of us. The next thing you know, you are going to invite us to express our opinion of you, and that you wouldn't like to hear.

Mr. CLARDY. Mr. Chairman, might I suggest, this might help expedite a little.

Witness, we have heard at some length a great many of the objections that you have. Now, if you do not wish to answer questions, I wish—I am addressing this to you, Mr. Chairman—I wish the witness would merely say that he is standing on the same grounds, or if you have something additional, over and above those you have already cited, that you merely say the fifth amendment—you may even cite the eighteenth amendment if you want or anything else that comes to your mind, but don't argue it.

I suggest that if you say, "On the same grounds already advanced," you will have the advantage of all the argument and everything else that you have put into the record, and it will expedite it.

Mr. GLASSER. I would be perfectly willing—

Mr. CLARDY. Mr. Chairman, I suggest if he doesn't want to do that, that he be instructed to do that.

Mr. GLASSER. I would be very willing to do that if I had already stated my grounds fully.

Mr. CLARDY. I think you have, very, very fully, and many times. I think I am thoroughly apprised what you have in mind as one member.

Mr. KUNZIG. Let me ask the question again. Did you become acquainted with an individual by the name of Armand Labis Feldman while you were employed by the United States Department of Justice?

Mr. GLASSER. To the best of my recollection, my——

(At this point Mr. Glasser consulted with Mr. Boudin.)

Mr. GLASSER. I was going to say, to the best of my recollection, my previous answer was as follows: I have been required, against my will, now to restate something that is already of record, and here is what I believe to the best of my recollection I said before the noon recess: That for all of the reasons previously advanced by me and also for the reasons which I have not been permitted to state, that I was obliged to decline to answer that question.

Mr. KEARNEY. Thanks, Witness.

Mr. KUNZIG. Now, I say to you for the record——

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. KUNZIG. That Feldman is "X" as explained in the document I read this morning. I am going to show you—I am bringing around to you a picture. This picture is not going to be marked for identification, Mr. Chairman.

This has been discussed before this committee. We feel—and I would like to urge upon the committee—that this picture is a question of national security and may not be made public. It may not be shown to any of the press present and may not be made a part of the record, but I should like to show this picture to the witness and ask the witness if he has ever known this man known as Feldman.

Mr. GLASSER. Aren't you fearful of showing it to me?

Mr. KUNZIG. No, I think it will be perfectly all right to show it to you because I think you know him.

Mr. BOUDIN. Will you show it to me?

Mr. VELDE. I grant your request.

Mr. GLASSER. Mr. Chairman, I request that the counsel's last remark be stricken from the record as accusatory unless he go under oath and make the statement.

Mr. KUNZIG. Do you know this man whose picture I now show you?

Mr. GLASSER. I give the same answer——

Mr. CLARDY. You weren't addressing that question——

Mr. KUNZIG. I am addressing the question, of course, to the witness.

Mr. GLASSER. I give the same answer that I gave to the last question.

Mr. CLARDY. I think the record should show, Mr. Chairman, that the picture also was exhibited to the counsel for the witness.

Mr. VELDE. Yes, the record will so show.

Mr. GLASSER. What is the significance of that, may I ask?

Mr. KUNZIG. While you were employed by the Department of Justice or at any other time did you become acquainted with anyone by the name of Nikolai Stern?

Mr. GLASSER. Again—under the severest but also the most respectful protest, which is based, as I said, on the reasons already given and the additional reasons which I have besought this committee to permit me to give—I give the same answer I gave before to the last question, to the last two questions.

Mr. KUNZIG. Now I show you a picture which has been marked for identification "Exhibit 2-A," a picture marked with the name of Nikolai Stern, and I ask you whether you have ever seen that man before or met that man.

(Photograph marked with the name Nikolai Stern marked "Glasser Exhibit 2-A" for identification.)

Mr. GLASSER. Again under the same protest and reservation I give the same answer.

Mr. KUNZIG. I ask that a copy of this picture be placed into the record as exhibit 2-A.

Mr. VELDE. It will be received in evidence as Glasser Exhibit No. 2-A.

Mr. CLARDY. Mr. Counsel, would you inquire, to make sure at this juncture, whether his answer to the last two questions meant that, among other things, he was invoking the fifth amendment?

Mr. KUNZIG. I will repeat that question, then, asked by Congressman Clardy. In your answer to the last two questions, are you invoking the fifth amendment—

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. KUNZIG. In your refusal to answer?

Mr. GLASSER. Mr. Chairman, may I request permission to so answer—I want to answer that—to so answer that it will be evident that my reasons are not limited to the fifth amendment?

Mr. CLARDY. I did not mean to suggest that, Mr. Chairman. I just wanted to see whether it was one of the objections that he raised.

Mr. GLASSER. Then my answer to Congressman Clardy's question is "Yes."

Mr. KUNZIG. Now, we got slightly sidetracked this morning. You started giving us your occupational background.

Mr. GLASSER. That is right, you never finished that.

Mr. KUNZIG. You never finished it.

Mr. GLASSER. No, I think—

Mr. KUNZIG. I ask you to go back to the question—

Mr. GLASSER. Pardon me. It was not I who failed to finish. The members of the committee began asking the questions of the date of my employment with the Department of Justice.

Mr. KUNZIG. Professor, it does not matter.

Mr. VELDE. Mr. Counsel, is the witness willing to continue with his educational background?

Mr. GLASSER. Of course.

Mr. KUNZIG. Will you continue?

Mr. VELDE. Will you proceed?

Mr. GLASSER. I just don't like this contentious, invidious characterization. What is happening today is unfair enough without this surplusage.

Mr. VELDE. The witness has said that he was willing to answer—

Mr. GLASSER. Yes; that is correct.

Mr. VELDE. The question relative to his educational background.

Mr. GLASSER. That is correct, sir.

Mr. VELDE. Will you please proceed to do that.

Mr. GLASSER. I am ready.

Mr. KUNZIG. Then will you kindly do it, Professor Glasser?

Mr. GLASSER. I believe I got to the point where I had described my OPA employment, which terminated April 3, 1946, when I resigned to go into private practice, and I tried my hand at private practice for about a year or year and a half.

Mr. KUNZIG. What was the firm with which you were associated, if any?

Mr. GLASSER. Mr. Chairman, does the committee require me to answer that? My only thought now is that these are perfectly casually connected people.

Mr. KEARNEY. Mr. Chairman, does the witness have to argue with counsel over every question that is asked? We are going to be here until Christmas.

Mr. GLASSER. That will be—

Mr. VELDE. If it takes until Christmas—

Mr. GLASSER. If that will be the day, I ask your forgiveness, and I hope that we come to that day soon.

My firm was first Midonick & Glasser, M-i-d-o-n-i-c-k & Glasser, G-l-a-s-s-e-r.

Mr. KUNZIG. What was the city in which that firm—

Mr. GLASSER. It was a two-city firm, New York and Washington, I being a member of the Washington bar, and Mr. Midonick of the New York bar. I want the record to show that Mr. Midonick's involvement here, that his name should not have any cloud cast upon it. He is helplessly brought in here against my will.

Mr. DOYLE. May I say to you, sir, we are certainly not intending directly or indirectly to cast any cloud on his name.

Mr. GLASSER. I trust not.

Mr. DOYLE. Certainly not, sir.

Mr. GLASSER. I believe you, sir.

Mr. KUNZIG. What was your next legal association?

Mr. GLASSER. Well, that firm then became enlarged and with a change of name became Pollard, Rothbard and—I do not remember—it was Pollard, Rothbard & Midonick, but whether I remained in the firm name—I think—and Glasser. I am not sure whether that was the name or whether my name dropped out because I was not able to be actively and continuously in New York, not being admitted there, and I left that firm for all intents and purposes, so far as active participation was concerned, around the time that I went to work as a law teacher in Rutgers, which was in July—I was hired as of July 1, 1947.

Mr. KUNZIG. Did you ever try to become a member of the New York bar.

Mr. GLASSER. Do you mean did I ever file an application?

Mr. KUNZIG. Yes.

Mr. GLASSER. No.

Mr. KUNZIG. Where are you presently employed?

Mr. GLASSER. I am presently employed at the Rutgers University School of Law as an associate professor of law.

Mr. KUNZIG. That brings us up to the present as far as your employment is concerned?

Mr. GLASSER. Yes; unless my employment is changed as of this afternoon, which is quite possible.

Mr. KUNZIG. During the entire time of your employment with the Department of Justice, did anyone in authority in these various hearings which you have mentioned ever ask you if you knew Armand Labis Feldman?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. For the reasons previously given and for the reasons which I have not been permitted to give and for one additional reason,



just one, Mr. Chairman, namely, that that would involve my arrogating unto myself the function of transmitting to the legislative department of the Government matters which are within the custody and jurisdiction of the executive department, I decline to answer that.

Mr. KUNZIG. You decline to answer, is that it?

My previous question was whether anyone with authority in the Department of Justice asked you. Now I ask you did anyone ever ask you whether you knew Armand Labis Feldman.

Mr. GLASSER. The same answer.

Mr. KUNZIG. Who recommended you to the United States Department of Justice, to be employed there?

Mr. GLASSER. Mr. Chairman, again I appeal to you that if possible this committee can see its way to what I think would be a gracious indulgence—may that question be withdrawn?

Mr. VELDE. No; of course not. The question cannot possibly be withdrawn because it is a very important question relative to our Nation's security. However—

Mr. GLASSER. Then the answer—

Mr. VELDE. However, the chairman does feel that if we can agree upon a time of 1 or 2 minutes, could the witness answer this question in 1 or 2 minutes—

Mr. GLASSER. I can answer it shorter than that—

Mr. VELDE. In what time.

Mr. GLASSER. I will just speak the name. First, I reiterate my protest and then: The person who recommended me for employment in the Department of Justice was the very distinguished professor of constitutional law at Princeton University, Prof. Edward S. Corwin, who was my beloved teacher and whose name I do not wish to appear on this record.

Mr. KUNZIG. Can you explain to the committee how you were employed as an attorney by the Department of Justice when you were not a member of any bar?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. I think I explained that before, but I will explain that again. I believe that it may have been Congressman Doyle who asked about that before.

Mr. VELDE. Just a minute, if you will, please.

Let the record show at this point that the fact that Professor Corwin approved of your application in no way reflects upon his—

Mr. GLASSER. Good, good.

Mr. VELDE. Upon his loyalty or his affiliation with any subversive group.

Mr. GLASSER. Good. Mr. Chairman, I thank you with all sincerity for that.

Mr. CLARDY. Should not the record show, Mr. Chairman, instead, that that is the statement of the witness which contains—so far as this committee is concerned, there is nothing of the kind you mentioned.

Mr. GLASSER. I would suggest that Chairman Velde's statement was fairer to Professor Corwin and in accord with the actual facts.

Mr. VELDE. Proceed. I think the record is clear on this.

Mr. GLASSER. Do you want me to proceed with the explanation of the attorney status?

Mr. KUNZIG. Yes, please.

Mr. GLASSER. During that period the Department of Justice appropriation, it is my understanding, allowed the Department to engage under the title of attorney or special attorney, as my title was, persons who were not members of the bar, but who were professionally and technically trained for purposes of research.

Mr. KUNZIG. Did you acquire civil-service status as a result of this position?

Mr. GLASSER. I don't think so, but I am not sure. I don't think so.

Mr. KUNZIG. Who recommended you for a position with the Office of Price Administration?

Mr. GLASSER. Many, many people. Do we have to list those names also?

Mr. KUNZIG. Who from the Department of Justice where you were just leaving?

Mr. GLASSER. The principal person who recommended me was my then superior officer, who was the Assistant Attorney General in charge of the Antitrust Division, and who again, as in the case of Professor Corwin and all of these names, I crave this committee shall make it clear that these people acted in good faith. They believed me, they believed in me, and they are good people. The man I refer to is Thurman Arnold.

Mr. KUNZIG. When you went to the Office of Price Administration, did you there obtain civil-service status?

Mr. GLASSER. I don't think so.

Mr. KUNZIG. Did you have to go through any civil-service procedures to get this position?

Mr. GLASSER. Oh, yes, yes, yes. It is my understanding that in that period, in connection with transfers of attorneys in Government service, the Board of Legal Examiners which—the structure in some way, both within the Department of Justice and the Civil Service Commission, had to pass upon transfers, and it is my understanding also that the Civil Service Commission would thereupon pass upon actions of the Board of Legal Examiners, but that is simply my understanding, and I am not able to aver that as having been the law or the organizational pattern of Government-lawyer transfers at that period.

Mr. KUNZIG. You did not have any civil-service hearing at that period when you transferred?

Mr. GLASSER. At that period there was not a civil-service hearing at which I appeared, but it was my understanding that both the Board of Legal Examiners and the Civil Service Commission reviewed the Department of Justice matter in detail.

Mr. KUNZIG. At a later time was there another civil-service hearing in your case?

Mr. GLASSER. There was.

Mr. KUNZIG. Would you explain the facts of that hearing to the committee?

Mr. GLASSER. I had been—I am going to set forth only the pure administrative facts. I am not going to be drawn into substantive content matters. I think I have made that clear.

The administrative facts were that I, having made known to the OPA that I was going to be resigning as of the beginning of April—

Mr. KUNZIG. What year?

Mr. GLASSER. 1946—was in the course of the usual packing of my papers and so on, and just a few days before my resignation was to take effect, I received written interrogatories from the Civil Service Commission. The way that arose was that a couple of years before that or thereabouts, OPA had routinely sent in my name along with other OPA attorneys who had served a given number of years in the Government for the purpose of obtaining what was called Ramspeck status, which is a form of permanent civil-service status with the service.

I am not familiar with that whole legal procedure, but anyway the Civil Service Commission apparently did not get around to my case for Ramspeck status processing until just before I was to resign in April 1946, and it was then they sent me these interrogatories.

The interrogatories were the inception of a very whole civil-service investigation and hearing in my case.

Mr. KUNZIG. This was 4 years after your alleged clearance by the Department of Justice.

Mr. GLASSER. The clearance is not alleged, Mr. Counsel.

Mr. KUNZIG. Well, the record speaks for itself. Would you please continue?

Mr. GLASSER. With that understood, I will continue. This was 4 years—no, let us have the dates. October 24, 1941, to approximately March 20, 1946. But you are leaving something out, Mr. Counsel. You are leaving out the Supreme Court proceedings in my case.

Mr. KUNZIG. We are talking at the moment—and I asked you—about the civil-service hearings in your case. Would you kindly continue explaining that to the committee?

Mr. GLASSER. I then answered the Civil Service Commission interrogatories under oath. The only testimonial declaration I now make to this committee in that regard is that I did so answer under oath. I specifically reserve this, that I am not now reaverring statements I then made under oath. I am merely informing the committee my testimonial utterance is that I answered those interrogatories under oath. Do you—

Mr. KUNZIG. I wish the chairman would ask the witness if he is trying to say that his statements now are not under oath.

Mr. BOUDIN. No; you don't understand.

Mr. GLASSER. May I explain?

Mr. VELDE. Proceed.

Mr. GLASSER. Is it clear to the committee, although it may not be clear to its counsel? Is it clear to the committee?

Mr. KUNZIG. I think—

Mr. VELDE. You understand that you are under oath at the present time?

Mr. GLASSER. Oh, yes, of course. That is why I am making very clear just what are the statements that I am now making under oath. I don't want any ambiguity or misunderstanding as to what my statements under oath are.

Mr. KEARNEY. I don't see how there could be, with the line of testimony you have given in answer to the questions.

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Am I still answering, or is Mr. Kunzig going to put another question?

Mr. KUNZIG. You are still answering on the question of the civil-service hearing that you had.

Mr. GLASSER. So the interrogatories——

Mr. KUNZIG. If any.

Mr. GLASSER (continuing). Were answered——

(Representative Bernard W. Kearney left the hearing room at this point.)

Mr. GLASSER. And then a formal hearing was held, also under oath, as to which I make the same reservation previously stated concerning what my testimonial utterance at this time is, and——

Mr. VELDE. The committee will stand in recess for 5 minutes.

(Whereupon a short recess was taken at 2:43 p. m., after which Representatives Harold H. Velde (chairman), Bernard W. Kearney, Kit Clardy, Gordon H. Scherer, Francis E. Walter, and Clyde Doyle reentered the hearing room.)

Mr. VELDE. Let the record show at this point that present are Mr. Kearney, Mr. Clardy, and Mr. Scherer; Mr. Walter, Mr. Doyle, and the chairman, a quorum. Proceed.

Mr. KUNZIG. Professor Glasser, I shall repeat the last question prior to the recess which was that you continue your explanation to the committee of the civil-service hearing.

Mr. GLASSER. May I recall something to you? I don't think I finished—I realized I did not tell you the last item in my employment history. We trailed off on that. Would you like to have that now?

Mr. KUNZIG. We will come back to that in a moment, then. Just finish this question.

Mr. GLASSER. All right. On this civil-service matter I stated interrogatories were sent to me. I answered them. Then here was a hearing, and in that hearing I was interrogated. Then time was allowed to me by the hearing board to file documents, additional documents. I don't have the dates entirely clear now in my mind, but the hearing was May 1, 1946. I was given a fairly generous period of time in which to file documents because there would be a delay anyhow in the preparing of the transcript of the hearing. I think I got a look at that transcript sometime late in July or early in August, and there were still some documents that I was waiting for from people, and finally the Civil Service Commission, against my objections, closed the record on September 15, 1946.

Now, there is one thing I am happy to have an opportunity to tell this committee, as a matter of fact. The day I came into the Civil Service Commission to look at my transcript, the officer in charge sat by, and I asked him how soon the rating board would decide the case, after the record was closed, there being still important documents to come in, and he said, "Well, we will decide it the following morning; in fact, maybe that very afternoon."

From that I gathered that there was a hostile disposition in the manner of prejudgment, since the record was not complete.

Anyway, on September 15 the record was closed, and then they didn't decide the case the next morning or that afternoon. They held it for, oh, 1, 2, 3, about 4½ or 5 months. I kept calling and saying, "Will you please hurry up and decide? I have to submit my application for membership to the New York bar. You are hanging me up here. I was in good shape before you fellows came into the picture.

I had a series of adjudications in my favor, including one by the Supreme Court of the United States. Now, will you please adjudicate?" And they didn't adjudicate, and they didn't adjudicate.

Mr. VELDE. By "you fellows," who do you mean?

Mr. GLASSER. The Civil Service Loyalty Rating Board.

Around the end of December of that year in phone conference with one of the members of the Board, he asked me whether I wanted them to drop the case. I said, "No, I want you to decide it."

He said, "All right."

Well, about another month went by, and they had again offered, as I recall, to drop the case, and I finally accepted their offer to drop it, on this basis, that I was going to be going before the bar examiner, character committee of the New York bar, and I would remit myself to them on the record theretofore made. Well, I actually signed up for a bar preparation course in New York and attended, oh, perhaps 10 or 15 lectures, which would carry us into the early part of 1947, but then early in the spring of 1947 I got this teaching job at Rutgers and——

Mr. KUNZIG. That is where you are at the present time?

Mr. GLASSER. Yes, and therefore I never carried through with my application for the New York bar.

Mr. KUNZIG. Do you recall who on the rating board offered to drop the case?

Mr. GLASSER. Mr. R. J. Fenn, F-e-n-n—well, what he said to me was, "Would you like us to drop it?"

Mr. KUNZIG. You were then not employed by the Government?

Mr. GLASSER. No, no.

Mr. KUNZIG. You were never then cleared by the Civil Service Board?

Mr. GLASSER. The civil-service procedure was never concluded.

Mr. KUNZIG. Were you ever cleared by the Civil Service Commission? That is the question.

Mr. GLASSER. Are you serious in asking me that?

Mr. KUNZIG. Mr. Chairman, I request that the witness be required to answer the question.

Mr. VELDE. Yes, if the witness knows, I think it is a perfectly legitimate——

Mr. GLASSER. Well, I will tell you, I don't know. All I can say is that I was never advised by them that I have been cleared. They may have cleared me. That is quite possible, you know.

Mr. CLARDY. Counsel, do we have the identity of the gentleman he mentioned having said something to him about it during the pendency of the case? Do we know who he was or who he is?

Mr. KUNZIG. If you know, would you state the position of this gentleman you just named, Fenn?

Mr. GLASSER. I believe he was a member of the Loyalty Rating Board panel which sat in my case, and it was he to whom all correspondence would have been addressed in that period and so on.

Mr. KUNZIG. Now, did anyone——

Mr. GLASSER. Incidentally, may I add something? I don't think that Fenn was doing anything other than expressing to me what I understood to be the feeling of that group, that they would just as soon they had never heard about this case, and apparently they were in-

viting me to withdraw my application for Ramspeck status, and that is what finally happened. There is nothing sinister. Fenn, I think, is a good, conservative fellow. I don't think Fenn is in any danger by my testimony.

Mr. KUNZIG. Now, Professor, did anyone in this Civil Service hearing ever ask you whether you knew Armand Labis Feldman?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Well, now, for the reasons previously stated—and now for one more reason—I cannot answer that question, the additional reason being that at this time I don't know to a certainty what was in that transcript. I haven't seen that transcript since August of 1946. I requested to be permitted to see it again a couple of weeks ago when you people subpoenaed me, and I was refused that right—

Mr. KUNZIG. Refused by whom?

Mr. GLASSER. C. L. Edwards, the present head of the Civil Service Commission. I think he is Acting Chairman or something like that. And I protested very strongly, and he said, "These are confidential executive department records. You have seen your transcript once—" incidentally, the stenographic transcript was garbled—well, much of it was gibberish. I desperately sent in to them a memorandum of corrections at the time—but my additional reason then for not answering this question is that I don't know. I don't know for sure what I was asked. I couldn't make a—

Mr. KUNZIG. I ask you once again, do you know Armand Labis Feldman?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. I refer to my previous answer in the record—do you mean do you know him now?

Mr. KUNZIG. Did you know him then and do you know him now?

Mr. GLASSER. The same answer as before, with all the protests and reservations.

Mr. VELDE. Let us divide the question.

Mr. KUNZIG. Did you know him then?

Mr. GLASSER. Same answer; that has been answered.

Mr. KUNZIG. Do you know him now?

Mr. GLASSER. Same answer.

Mr. KUNZIG. Did the Civil Service group questioning you at your hearing ask you at that time whether you had ever been a member of the Communist Party?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Look, may I answer the question in this way: The Civil Service interrogation covered everything the Department of Justice interrogation had covered.

Mr. WALTER. Did that cover this question of whether or not you were a Communist?

Mr. GLASSER. Yes, sir. It covered everything that the—

Mr. KUNZIG. Did they ask you whether you were a Communist under oath?

Mr. GLASSER. Yes; they did.

Mr. KUNZIG. Did you testify under oath that you were not a Communist?

Mr. GLASSER. In answering that question, which I am going to do, I again reserve this, that the only testimonial declaration I am mak-

ing before this committee is that it is a fact of record that on a previous date I made a certain statement. I do not at this time aver in any manner the substance of that statement. They asked me whether I was a Communist. I believe they asked me whether I had ever been a Communist. They asked me just about everything as far as I can recall that the Department of Justice had asked me, including the old Spanish loyalist business, and I answered all of those questions under oath.

The statement I just made, the subject and the reservation which just preceded, concerning what my testimonial declaration was—

Mr. KEARNEY. What was your answer to the question concerning whether or not you were a Communist or had been a Communist?

Mr. GLASSER. Again subject to the same reservation, I swore to the Civil Service Commission that I was not and never had been a Communist.

Mr. KUNZIG. Did you swear to the Department of Justice that you were not and never had been a member of the Communist Party?

Mr. GLASSER. Well, I think you know.

Mr. VELDE. Just a minute. That is not an answer. The witness is directed to answer the question.

Mr. GLASSER. The Department of Justice findings, as you know—you read it—state that I was not a—

Mr. KUNZIG. That is not the question. I ask that the chairman direct the witness to answer the question.

Mr. BOUDIN. What is the question?

Mr. GLASSER. Whether they asked me whether I was. The Department of Justice finding which you read states that I made denials.

Mr. KUNZIG. Did you make those denials under oath?

Mr. GLASSER. Now, I can't recall. I honestly can't recall because this was a departmental proceeding—let me say this: The statements were made either under oath or in contemplation of the Federal false statement statute, which would make the statements punishable if false, as you know.

May I just interject—

Mr. VELDE. I still think, Professor, that you have not answered the question directly.

Mr. GLASSER. I don't recall whether there was a formal oath administered to me, but I was pointing out that it is not of consequence since in any view of the matter the Federal false statement statute would have been applicable. You are all familiar with that.

Mr. KUNZIG. Mr. Chairman, I have a document before me marked "Exhibit 4" for identification, which I should like to read into the record:

Department of Justice personnel recommendation (non-civil-service) Abraham Glasser. Date July 31, 1941.

Present status: Special attorney, suspension. Salary, \$3,000. Proposed action—

it goes down under remarks, and I will read the material portion.

Mr. Glasser is to be returned to pay status effective August 1, 1941. Respectfully submitted, Thurman Arnold, Assistant Attorney General.

I should like to offer this exhibit into evidence.

Mr. BOUDIN. Could I see it, please?

Mr. VELDE. It will be received.

Mr. BOUDIN. May I see it?

(Department of Justice personnel recommendation marked and received as Glasser exhibit No. 4.)

Mr. KUNZIG. I have here a document marked "Exhibit 5" for identification. It is the same type of form, personnel recommendation, non-civil-service, Department of Justice. Abraham Glasser, October 30, 1941.

Mr. VELDE. Just a minute, counsel.

Will you repeat your last statement for counsel? Counsel for the witness was examining——

Mr. KUNZIG. I have here personnel recommendation, non-civil-service, Department of Justice, the same type of form as exhibit 4, marked "Exhibit 5."

Abraham Glasser. Date, October 30, 1941.

Present status, special attorney, \$3,000, Antitrust Division. Proposed action—— and then under No. 13, typed in, it says:

Dropped from the roll, close of business, October 31, 1941.

But that is crossed out, Mr. Chairman, and written across in handwriting it says,

Resignation without prejudice.

Under "Remarks" it states:

Mr. Glasser's resignation is attached. It is recommended that it be accepted without prejudice. Mr. Glasser is accepting a position with the Office of Price Administration.

Respectfully submitted.

THURMAN ARNOLD,  
*Assistant Attorney General.*

Mr. KUNZIG. I should like to offer Exhibit 5 into evidence, Mr. Chairman.

Mr. VELDE. It will be received. That is Glasser exhibit 5.

(Department of Justice personnel recommendation marked and received as Glasser exhibit No. 5.)

Mr. CLARDY. Counsel, may I inquire? You said "crossed out." Do you mean merely that it had a line, a light line, drawn through the typewriting?

Mr. KUNZIG. It seems as if the document has been changed and altered and made to read, "Resignation without prejudice."

Mr. CLARDY. Well, what I meant was, it does not make the original typewriting illegible in any way whatever. It merely has some additional words written above and below with a light line drawn through the typewriting.

Mr. KUNZIG. That is correct.

Mr. GLASSER. Is there any imputation that I or anyone, with my knowledge and consent, tampered in an unlawful or improper manner with the official records concerning my leaving the Department of Justice?

Mr. CLARDY. I was not addressing any questions to you at all.

Mr. GLASSER. No, no, I know, Mr. Clardy. I am raising it in line with Mr.— I think, Mr. Chairman, please, would you ask counsel to——

Mr. VELDE. Professor, you are here to give testimony and not to question.



Mr. GLASSER. I know, I am giving testimony now.

Mr. KUNZIG. I have before me another document marked "Exhibit 6" for identification, which is the United States Civil Service Commission statement of Federal service. Among other items on this statement, under the date of October 31, 1941, it is marked "resignation without prejudice (voluntary)" and then the words "another position" appear after the listing of the witness' Department of Justice service and prior to the listing of his OPA service.

I should like to offer exhibit 6 into evidence, Mr. Chairman.

Mr. VELDE. It will be received, Glasser exhibit No. 6.

(Civil Service Commission statement of Federal service marked and received as Glasser exhibit No. 6.)

Mr. KUNZIG. I should like to point out for the record that on November 1, 1941, the next day, the witness went to the Office of Price Administration, and that that was prior to the final approval given under the initials F. B. of the action taken in the Department of Justice. I should also like to point out for the record that the word in the Civil Service Commission appears, "voluntary resignation without prejudice," in spite of the record already in evidence which shows that the witness was asked to resign by the Department of Justice, which would be far from voluntary.

Mr. GLASSER. Mr. Chairman, may I—counsel has commented. Now may I please have one brief comment opportunity. I won't be impolite, and I won't be lengthy. I merely wanted to say that it is evident to me in all earnestness and respect—it is evident to me that in this hearing I am on trial, and not only I, but the entire administration of the National Government which was in office during the late thirties, middle forties, and it is just what we thought would happen. This is an attack on the New Deal.

Mr. VELDE. Mr. Glasser—

Mr. WALTER. Does that include the Democratic Members of Congress?

Mr. GLASSER. I think there are some Democratic Members of Congress who don't remember the New Deal with fondness, sir.

Mr. WALTER. I don't believe it. I don't know how they—

Mr. GLASSER. I said with fondness, sir.

Mr. VELDE. May I assure you again that we are not interested in belittling the New Deal or any other deal or any other administration. We are interested in facts. We want the facts of your connections with the Communist Party. We want the facts of your connection with any espionage ring, and again we would appreciate very much if you would answer the questions instead of continually giving lectures to this committee.

Mr. GLASSER. Well, I await further questions. Mr. Kunzig, at any time are you going to bring out the Supreme Court proceedings? If not, may I please ask for an opportunity to do that?

Mr. KUNZIG. Mr. Chairman, I respectfully request that the witness be reminded that we are asking him the questions, not he us.

Mr. GLASSER. I realize that.

Mr. VELDE. Proceed, Mr. Kunzig.

Mr. KUNZIG. Professor Glasser, immediately after this committee—and I feel courteously—agreed to a request for a continuance last week because your attorney's wife was ill, you released to the press a

50-page printed pamphlet which you happened to have on hand, explaining your position in this matter. The brief, however, never mentions your name. Interestingly enough, it mentions no name, but refers to a Professor A. Citizen. I want to ask you, are you the Professor A. Citizen mentioned in the pamphlet?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. KUNZIG. Can there be any question as to whether you are the Professor A. Citizen?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Yes, your question cannot be answered in the form in which it was put, Mr. Kunzig.

Mr. CLARDY. Do you want to show him a copy, counsel?

Mr. KUNZIG. I show you a copy marked "Glasser exhibit 7" for identification——

Mr. GLASSER. Let me explain what I mean.

Mr. KUNZIG. I will give him the exact one. This one is in book form, bound. You have seen this, have you not? I presume you know about it.

Mr. GLASSER. What is your next question?

Mr. KUNZIG. Have you seen this document I am handing you?

Mr. GLASSER. No proper legislative purpose. You know the answer to that.

Mr. KUNZIG. I ask that the witness be directed to answer the question whether he has ever seen——

Mr. GLASSER. Yes, I have seen it.

Mr. KUNZIG. You have seen the exhibit No. 7 so marked for identification. I ask you whether you are the Professor A. Citizen referred to in that printed document which you distributed to the press.

Mr. GLASSER. If you will stop your question at whether I am the Professor A. Citizen referred to, I will answer it.

Mr. KUNZIG. Are you attempting to deny that you distributed it to the press?

Mr. GLASSER. My point is this, the distribution to the press——

Mr. WALTER. Never mind your point.

Mr. GLASSER. Had already occurred by hands other than mine before I got to Washington. That is the point.

Mr. VELDE. Will you please answer the question? The question is very simple.

Mr. GLASSER. All right. My answer is as follows: I am the Professor A. Citizen referred to in that document, which document was distributed to the press unconditionally by persons other than myself in New Jersey.

Mr. KUNZIG. Who distributed it down here at the hearing last week?

Mr. GLASSER. Distribution——

Mr. CLARDY. Just outside the door.

Mr. GLASSER. Yes.

Mr. KUNZIG. People from New Jersey?

Mr. GLASSER. No, no; now I will answer that question. I distributed it to the press after the hearing last week.

Mr. CLARDY. Will you hand it back now?

Mr. GLASSER. Certainly. Did you want another copy?

Mr. CLARDY. One is sufficient. I assure you.

Mr. WALTER. I would like to have one, because honestly I threw mine in the wastebasket.

Mr. BOUDIN. If you threw yours in the wastepaper basket, Congressman—

Mr. KUNZIG. I suggest that counsel refrain from commenting.

Mr. VELDE. According to previous order.

Mr. GLASSER. I will ask my counsel to mail you one, Mr. Congressman.

Mr. WALTER. No; I will borrow one from Mr. Clardy.

Mr. GLASSER. No; I will ask my counsel to mail you one.

Mr. BOUDIN. If the Congressman will withdraw his remark about throwing it in the wastepaper basket, I will give him one.

Mr. WALTER. That is actually what I did with it.

Mr. BOUDIN. It is actually not polite to say, I am very sorry.

Mr. VELDE. Proceed, Mr. Kunzig.

Mr. GLASSER. I await further questions.

Mr. DOYLE. Wouldn't you feel more rested, Witness, if you would sit down? I notice you are standing on one foot first and then the other, and I am wondering—

Mr. GLASSER. Well, sir, I am much better on my feet than what I would be on if I sat down.

Mr. KUNZIG. Professor, did you at any time attempt to get back into the Department of Justice?

(At this point Mr. Glasser conferred with Mr. Boudin.)

Mr. GLASSER. Can you point that question in time?

Mr. KUNZIG. After the time in which you were asked to resign from the Department of Justice, did you ever try to get back?

Mr. GLASSER. After the time when I resigned without prejudice from the Department of Justice, I did initiate an inquiry as to my being reinstated, if only on a nominal basis, so that the record could be completely cleared that I had gone back to the Department, all this with a view to my preparing for private practice. That effort which was initiated occurred in the fall of 1945, and I never made formal application—I will tell you why—word came back through the same office that had prosecuted this matter—not the office which had adjudicated it—but the same office in the Department which had prosecuted it—from which Judge Holtzoff's document of today emanated, the cops in the case had the decision, the officials—the judges were ignored—and the word came back then that my application, my informal application, was not viewed very encouragingly, so it dropped there.

Mr. KUNZIG. Mr. Chairman, I have a document in front of me marked "Exhibit 8" for identification, which I should like to read into the record.

Mr. BOUDIN. Excuse me, do you have a 7?

Mr. KUNZIG. Exhibit 7 was your book; 7 is your printed publication.

Exhibit 8, Office of Price Administration, Washington, D. C., July 3, 1944: This is a letter to the Honorable James P. McGranery, assistant to the Attorney General, Department of Justice, Washington, D. C. It is signed by Thomas I. Emerson, Deputy Administrator for Enforcement, Office of Price Administration.

This is July 3, 1944.

DEAR MR. McGRANERY: The amendments to the Price Control Act just enacted will create a new and important litigation problem in connection with criminal prosecutions of price and representative control violations. The amendments make available to a criminal defendant a new procedure whereby the entire proceeding may be stayed until the validity of the OPA regulation involved has been finally settled by the Emergency Court of Appeals and the Supreme Court. In the interests of developing proper legal precedents, this office will probably desire to participate in the United States attorney's early cases in which the new stay procedure will be invoked. Conferences have already been had by representatives of this office with officials of the criminal division. From time to time in the near future as these new stay proceedings arise, we shall be requesting the Department of Justice to designate attorneys from OPA's litigation division to serve as special assistants to the Attorney General for the purpose of participating in such proceedings.

The particular occasion for this letter is to inquire whether the Department would be willing to designate as a special assistant for these purposes one of our litigation attorneys, Abraham Glasser, should this office desire in the future to request such designation for Mr. Glasser. Some months ago Mr. Glasser was refused designation as a special assistant. I understand that Mr. Ugo Carusi is familiar with the circumstances which led to the Department's refusal to designate Mr. Glasser at that time. It would seriously handicap the work of this office in connection with the new stay procedure for criminal cases if Mr. Glasser should be unavailable for court appearances in these cases. He is our litigation expert on the provisions of the Price Control Act which are affected by the new amendments providing for stays in criminal cases. If the Department should advise me that it will continue in the future to be unwilling to approve Mr. Glasser's designation on a formal basis, I should appreciate your giving consideration to the possibility of working out some other form of authorization, short of formal designation, whereby Mr. Glasser's services could be utilized for court appearances in these cases. The effective date of the new amendments to our act is July 1 so that applications by criminal defendants for stays under the new procedure may be expected to begin at any time. In view of the time element I ask that you advise me at your earliest convenience what would be the Department's attitude on this matter should we desire to request authorization, formal or otherwise, permitting use of Mr. Glasser's service in these cases.

Very truly yours,

THOMAS I. EMERSON,  
*Deputy Administrator for Enforcement.*

MR. GLASSER. Mr. Chairman, you see, that was not an application for reinstatement. That was the familiar procedure whereby the Department of Justice designates attorneys pro tem as temporary assistants. Now, when you put your previous question to me, frankly it did not occur to me to recall this. This episode did occur, but it was not in the nature of my getting reinstated by the Department of Justice. It was purely one of these interagency lawyer cooperation things. That is all it was.

MR. KUNZIG. I offer this document in evidence as Glasser exhibit No. 8.

MR. VELDE. It will be received.

MR. WALTER. May I ask a question at this point: When were you admitted to the bar?

MR. GLASSER. I was admitted to the bar, sir, in March or April of 1939, probably April 1939.

MR. WALTER. 1939. Did you try any cases between that time and the 3d of July, 1944?

MR. GLASSER. Oh, yes; I had—

MR. WALTER. Where?

MR. GLASSER. I had numerous—

MR. WALTER. Where?

MR. GLASSER. Where?

Mr. WALTER. In the District of Columbia?

Mr. GLASSER. All over the country.

Mr. WALTER. For the Department of Justice?

Mr. GLASSER. No; for the OPA. I didn't try cases; I argued appeals and legal motions. I was not a trial lawyer. I was an appellate lawyer.

Mr. WALTER. This letter indicated that you were a trial expert. That is why I asked the question.

Mr. GLASSER. Well, expert in the litigation involving the stay applications which involved questions of law primarily rather than questions of proof of fact through witnesses.

Mr. WALTER. What was your salary at the OPA?

Mr. GLASSER. You mean when I left? I started out at \$3,200, I think, and I ended up with the war increments, etc., and promotions, at a little over \$7,000. That was in a period of 5 years.

Mr. WALTER. Who recommended you for your promotion in the OPA?

Mr. GLASSER. I stated that before, sir. I stated that before.

Mr. WALTER. I did not hear it.

Mr. KUNZIG. Thurman Arnold was the answer given.

I now have before me a document marked "Exhibit 9" for identification, which I should like to read into the record. This is from the Department of Justice, signed James P. McGranery, the assistant to the Attorney General, dated July 7, 1944, 4 days after the previous letter.

It is addressed to Mr. Thomas I. Emerson, Deputy Administrator for Enforcement, Office of Price Administration, Washington, D. C.

DEAR MR. EMERSON: Replying to your letter of July 3. I regret to say that it will not be possible to comply with your request for the designation of Abraham Glasser as a special assistant to the Attorney General for the purpose of appearing in court, as stated in your letter.

I have discussed this matter with Mr. Tom Clark, of our Criminal Division, and he advises me that his field offices are prepared to take care of this new procedure authorized by Congress.

Sincerely,

JAMES P. McGRANERY,

*The Assistant to the Attorney General.*

Mr. GLASSER. Mr. Chairman, will the record ever show today that the Department of Justice designated me to argue a case before the Supreme Court for the Solicitor General's office in January of 1946?

Mr. VELDE. Well, let me say to the witness that there is a matter being discussed on the floor of the House, a matter of legislation in which the members of the committee are very vitally interested, and I believe that at this time, if the counsel does not have further questions or if this is a good breaking off point, that we will have to recess and continue these hearings.

Mr. KUNZIG. Mr. Chairman, may we put one more document in evidence which will be very short?

Mr. VELDE. Proceed.

Mr. BOUDIN. May I ask when you would recess to, Mr. Velde, or would that be an indefinite date?

Mr. VELDE. Subject to call of the Chair.

Mr. GLASSER. Pardon me, not tomorrow?

Mr. BOUDIN. No.

Mr. KUNZIG. I have here a document marked "Exhibit 10," for identification. Prior to reading that I should like to offer exhibit 9 into evidence.

Mr. VELDE. That is Glasser exhibit 9. It will be received in evidence.

(Letter dated July 7, 1944, signed by James P. McGranery, marked and received as Glasser exhibit No. 9.)

Mr. KUNZIG. Exhibit 10, office memorandum, United States Government, to a—

Mr. BODIN. What is the date of that, please?

Mr. KUNZIG. November 15, 1945. From H. A. Bergsom. Subject: Abraham Glasser's request for re-employment. It is initialed H. A. B.

In accordance with your request, I interviewed Mr. Glasser on the afternoon of November 13. Mr. Glasser was accompanied by his attorney, Charles A. Horsky, H-o-r-s-k-y, Esq. The files disclose that in June, 1941, Mr. Glasser was employed as a special attorney in the Antitrust Division. He was suspended on June 17, 1941, pending investigation of complaints charging him with being a member of and furnishing information to the Communist Party. He was accorded a hearing, and at the conclusion thereof, the hearing board found the charge that Mr. Glasser was a Communist unfounded, that he did not knowingly and disloyally furnish information to any ill-intentioned outsider, but that he was negligent in his treatment of the contents of official files and papers of the Department of Justice. It was recommended that because of his careless and improper disclosure of official information, his suspension should be terminated as of the close of business on July 31, 1941, and that he should be given the opportunity to resign without prejudice effective at the close of business on October 31, 1941.

This recommendation was effected, and Mr. Glasser was permitted to resign without prejudice. Since that time he has been employed by the Office of Price Administration and now wishes to be reemployed by the Department in order to clear his name.

He states that he wishes employment for only a brief period of time and that Assistant Attorney General Berge has told him that he has a place for him if it is decided to reemploy him. He submitted a letter of recommendation addressed to the Attorney General by Mr. George Moncharsh, Deputy Administrator for Enforcement of the Office of Price Administration, and copies of letters of recommendation addressed to the regional director, Office of Surplus Properties, New York, N. Y., all of which are attached.

After discussing the matter with Mr. Glasser and his attorney and examining his file, I do not believe that he should be reemployed merely for the purpose, as he says, of clearing his name. He freely admits that he negligently and carelessly handled department files, and this was the ground for requesting his resignation. It seems to me that if this was a valid ground for requesting his resignation, it is an equally valid reason for refusing to reemploy him. Consequently, I recommend that Mr. Glasser's request be denied and that he be not reemployed for any length of time.

Then written in handwriting at the bottom, "I concur in your recommendation," and initials that are a little difficult to read. It looks like J. McG, but—

Mr. GLASSER. Mr. Chairman, you see—incidentally, this is news to me because these people smiled and smiled and smiled to me—Shakespeare says, "Smiled and smiled like a villain." I did not know they were the ones who turned me down. I thought they were—you see—

Mr. VELDE. Mr. Glasser, may I again remind you that you are here, as a witness.

Mr. GLASSER. I know. I did not intend any intrusion.

Mr. VELDE. I would appreciate it if you would just answer the questions.

Mr. GLASSER. I was just a little bit startled at this.

Mr. KUNZIG. I offer exhibit 10 in evidence as Glasser exhibit 10, Mr. Chairman.

Mr. WALTER. Whose initials were they?

Mr. KUNZIG. J. McG. It looks like Mr. McGranery's initials.

Mr. VELDE. Yes; Glasser exhibit No. 10 will be admitted.

(Office memorandum, United States Government, marked and received as Glasser exhibit No. 10.)

Mr. VELDE. At this time, before I declare a recess or adjournment, for the information of the press and the public, I am authorized by the committee to make the following statement:

In relation to the appearance of Abraham Glasser, professor in the Rutgers University School of Law, the committee wishes to acknowledge and express its appreciation to Rutgers University and its officials for the excellent cooperation it has extended the committee. The committee wishes to state that it hopes that the excellent spirit of cooperation exhibited by this outstanding university might serve as a model to other colleges and other universities in the United States. There has been no implication nor misunderstanding that the committee, in hearing Mr. Glasser, has in any manner instituted or conducted any investigation of Rutgers University. One of the most forthright and objective statements made by any educator concerning the committee's investigation in the field of education was made by the president of Rutgers University, entitled "Academic Freedom and Civic Responsibility," which every detractor in this field should read.

Mr. BOUDIN. Every what was that, sir?

Mr. WALTER. Detractor.

Mr. VELDE. Which every detractor in this field should read.

Mr. GLASSER. May I say——

Mr. VELDE. No; the committee will now stand in adjournment until further call by the chairman, and your subpoena is continued, Mr. Glasser.

(Whereupon, at 3:30 p. m., the hearing was adjourned until further call by the Chair.)





# COMMUNIST METHODS OF INFILTRATION

## (Education—Part 2)

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TUESDAY, APRIL 14, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE  
ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

### PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:45 a. m., in the caucus room, 362 Old House Office Building. Hon. Harold H. Velde (chairman), presiding.

Committee members present: Representatives Harold H. Velde, Kit Clardy, Gordon H. Scherer, and Francis E. Walter.

Staff members present: Robert L. Kunzig and Frank S. Tavenner, Jr., counsel; Louis J. Russell, chief investigator; Raphael I. Nixon, director of research; and Donald T. Appell, investigator.

Mr. VELDE. The hearing will be in order.

Let the record show that present are Mr. Clardy, Mr. Scherer, Mr. Walter, the chairman, Mr. Velde, and that I have appointed a subcommittee of the full committee consisting of the members present for the purposes of this hearing.

Proceed, Mr. Counsel.

Mr. KUNZIG. Will Daniel Fine please step forward?

Would you stand and be sworn?

Mr. VELDE. Will you raise your right hand?

In the testimony you are about to give before this subcommittee, do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Dr. FINE. I do.

Mr. KUNZIG. Are you represented by counsel?

### TESTIMONY OF DANIEL FINE, ACCOMPANIED BY HIS COUNSEL, MARSHALL PERLIN

Dr. FINE. I am.

Mr. KUNZIG. Would counsel please state his name and address for the record?

Mr. PERLIN. The name is Marshall—M-a-r-s-h-a-l-l—Perlin—P-e-r-l-i-n—104 East 40th, New York, N. Y.

Mr. KUNZIG. Dr. Fine, would you please state your full name and present address?

Dr. FINE. My name is Daniel Fine. I live at 721 Huntington Avenue, Boston, Mass.

Mr. KUNZIG. Are you at the present time a medical doctor?

Dr. FINE. That is correct. I am a physician.

Mr. KUNZIG. Physician.

The correct name, then, is Dr. Daniel Fine; is that right?

Dr. FINE. That is correct.

Mr. KUNZIG. Dr. Fine, when and where were you born?

Dr. FINE. I was born in New York City, February 11, 1924.

Mr. KUNZIG. Would you kindly outline for the committee your educational background?

Dr. FINE. I attended grammar school and high school in New York City.

In 1941 I entered Yale University, and in 1944 graduated from the Sheffield Scientific School with a bachelor of science, with honors.

During attendance at Yale University I was elected to Sigma Xi, which is an honorary scholastic scientific fraternity.

Thereafter, after a lapse of 2 years, in 1946, I entered the Yale School of Medicine. During my time at the Yale School of Medicine I was elected to Alpha Omega Alpha, which is an honorary scholastic fraternity of medical students, and, in addition to that, during my third year I received the Ramsey Memorial Scholarship prize, which is given for a student after his first year of clinical medicine—for a student of unquestioned ability and character.

Mr. PERLIN. Excuse me just a minute. I would appreciate, Mr. Chairman, if there were no flash bulbs during the testimony. It bothers the witnesses and he asked me not to have them.

Mr. VELDE. Yes. Will the—

Mr. PERLIN. So, I would like to have them desist during the testimony.

Mr. VELDE (addressing news photographers). Will you please take your pictures now and desist?

Dr. FINE. I was saying that in 1950 I was graduated with the degree of M. D. from the Yale School of Medicine.

Since that time I have been in training at the Boston Hospital, first as a house officer, second year as a junior assistant resident in medicine, and during my third year, present year, as a senior assistant resident in medicine.

Mr. KUNZIG. What is the name of that Boston hospital?

Dr. FINE. Peter Bent Brigham Hospital.

Mr. KUNZIG. Dr. Fine, is that the conclusion of the educational background?

Would you then set forth such as may have been your employment background up to the present time?

Were you studying during the entire time or were you employed at various times, in addition—

Dr. FINE. Well, technically, during hospital training one is employed by the hospital to give service to patients in the hospital.

Mr. KUNZIG. Is there any other employment? Did you work at any other place while studying or anything of that nature?

Dr. FINE. In 1942—I believe it was the summer—I worked for about 2 months at the Calco Chemical Co.

Mr. KUNZIG. Would you spell that for the reporter?

Dr. FINE. C-a-l-c-o Chemical Co., producing sulfa drugs for the servicemen who were overseas at the time.

Mr. KUNZIG. I see.

Any other part-time employment?

Dr. FINE. Not that I recall.

Mr. KUNZIG. Would you state your military service, if there was any?

Dr. FINE. In 1944, of July, I entered the Navy as an apprentice seaman. I attended recruit training at Sampson, N. Y., and thereafter I was selected to attend midshipmen's school, which I attended at Notre Dame University, for about 4 months, the last part of 1944 and the first part of 1945.

I might say that while there I received a prize for the first rank in the class in damage control, which was one of the courses there.

Thereafter I attended line officers' school, tactical radar school, fighters' direction school in Florida and down at St. Simons, down in Georgia, and in September 1945 I was ordered to a destroyer, the U. S. S. *Laffey*, 724, and I boarded the *Laffey* in Hawaii.

Thereafter I was on sea duty for about 8 or 9 months and subsequent from that I was separated from my ship and about 2 months later, in 1946, July, I was separated from active duty in the Navy.

Mr. KUNZIG. Would you list any organizations or clubs in which you hold membership or may have held membership while you were at college or in medical school?

Dr. FINE. Might I ask what the pertinence of that question is?

That seems to be an all-inclusive question, and I don't quite see the relevance to this inquiry.

Mr. KUNZIG. Mr. Chairman, I ask that the witness be directed to answer the question.

Mr. PERLIN. Mr. Chairman, may I—

Mr. VELDE. Well, just—

Mr. PERLIN. Excuse me.

Mr. VELDE. Just a minute. I think you have been advised of the—

Mr. PERLIN. Beg pardon.

Mr. VELDE. I think you have been advised of the rights you have to confer with your client, haven't you?

Mr. PERLIN. That is right. I was just wondering whether, to facilitate this—I was just going to make a suggestion for your consideration. If you don't want me to, I will hold back the suggestion.

Mr. VELDE. Go ahead and make your suggestion.

Mr. PERLIN. I was going to suggest that perhaps it would facilitate it, rather than ask such a broad question, if the questions may be more specific in character.

Mr. VELDE. Yes, Mr. Counsel, make your questions more specific.

Mr. KUNZIG. All right, Mr. Chairman.

Have you ever participated in the activities of a Marxist study group, either as a member or an attendant at Marxist lectures.

Dr. FINE. Is that directed to the chairman?

Mr. KUNZIG. No; it is directed to you.

Dr. FINE. Will you repeat the question, please?

Mr. KUNZIG. Have you ever participated in the activities of a Marxist study group, either as a member of or as an attendant at Marxist lectures?

Dr. FINE. Mr. Chairman, I would like to decline to answer that question, and I would like to decline to answer that question for the following reasons—and I would like to state them in full for the benefit of the committee and for anyone else:

In the first place, I decline to answer that question because it is offensive to the Bill of Rights, as I understand it, as I learned in my schooling in New York City and later in my college training. In particular, it is offensive to the first amendment to the Constitution, which guarantees to every citizen the right of freedom of speech, of freedom of assembly, and of freedom of the press; and I would like to say there that this is a freedom which is meaningful and has been extremely meaningful to all Americans insofar as there has not been coercion connected to expressing one's personal views, matters of the heart—

Mr. VELDE. The committee—

Dr. FINE. Or matters of the mind.

Mr. VELDE (continuing). Has granted you the privilege—

Dr. FINE. I would like to go on, Mr. Chairman, if I may, to complete the answer to that question.

This is a meaningful right insofar as there—

Mr. CLARDY. Mr. Chairman, may I interrupt a moment?

Dr. FINE. Is no coercion.

Mr. CLARDY. Mr. Chairman, may I interrupt?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. The witness is not answering the question. He can state precisely and concisely whether he is relying on the fifth amendment or not, and beyond that he should not be permitted to argue.

I request the Chair to so direct him.

Mr. VELDE. Yes.

You have been given an opportunity to answer a question which is very simple as to your association or as to your membership in various organizations.

Dr. FINE. Mr. Chairman, I am answering that question, and I am answering that question to the best of my ability.

Mr. VELDE. You may—

Dr. FINE. I would like to state the grounds for my refusal to answer that question, and I think it is an intrusion on my rights before this committee to prevent me from stating my reasons in full.

Mr. VELDE. Now, we have heard all of these things before many, many times.

Dr. FINE. I would still—

Mr. VELDE. The question is very simple. It is very easily understood.

Dr. FINE. I have stated, Mr. Chairman—

Mr. VELDE. The question was whether you belonged to a Marxist group, a study group. You can answer that either "Yes" or "No," or you can refuse to answer it.

Dr. FINE. I am not refusing, Mr. Chairman.

Mr. VELDE. Now, I am asking you to do that at the present time—

Dr. FINE. I am declining—

Mr. VELDE (continuing). Because we must get on with these hearings.

Dr. FINE. I am declining to answer that question, and I am stating my ground, and I would like to have the opportunity, the courtesy of this committee, to state my grounds in full.

Mr. VELDE. You have been given every courtesy by the committee.

Dr. FINE. I have been interrupted, Mr. Chairman—

Mr. VELDE. All the members—

Dr. FINE. On three occasions already.

Mr. VELDE (continuing). Of the committee have other business, which is very important, too, and we can't be delayed by this continual harangue.

Now, will you answer the question?

Mr. PERLIN. Mr. Chairman, he just wishes to state——

Mr. VELDE. Now, Counsel——

Mr. PERLIN. The legal grounds on which——

Mr. VELDE. Mr. Counsel, you know your rights in this.

Mr. PERLIN. I just want to explain that he wants to deal with legal grounds, on which he is asserting——

Mr. VELDE. Will you answer the question, Mr. Witness?

Dr. FINE. I answered it. I am declining to answer that question. I am declining on the basis of the first amendment. Secondly, I am declining on the basis of the fifth amendment, which guarantees to every citizen the right not to bear witness against himself in matters of this sort.

Mr. WALTER. Well, now, before we go into that, Mr. Chairman, may I ask a question concerning the first amendment?

Mr. VELDE. Mr. Walter.

Mr. WALTER. Do you feel under the first amendment it is an abridgement of your freedom, right of freedom, of speech, to be a member of an organization directed to the purpose of overthrowing this Government?

Dr. FINE. I believe that it is a matter of defense which is protected by the first amendment.

Mr. WALTER. What do you mean "a matter of defense"?

You are not charged with anything.

Dr. FINE. The first amendment was placed in the Constitution to defend citizens against any misuse of governmental authority, and in that sense it is a defense of the citizen. It is also a spear of the citizen which allows the citizen, if he wishes, to criticize the Government, to criticize governmental policy, and to dissent, if he chooses.

I will go on to say this is complemented by the fifth amendment, which is——

Mr. WALTER. Well, we are not going——

Dr. FINE (continuing). The shield of the citizen.

Mr. WALTER (continuing). Into the fifth amendment until I ascertain whether or not you believe you have a right, had a right, to participate in a movement that was designed to overthrow this Government.

Dr. FINE. Mr. Walter, I believe you are making assumptions. You have no right to make these assumptions. I have seen no evidence brought forth before this committee. I was asked a question. I am declining to answer that question.

Mr. WALTER. Well, were you——

Dr. FINE. If you have any evidence——

Mr. WALTER (continuing). A member of such organization?

Dr. FINE. I have declined to answer that question. I have stated my grounds on the basis of the first amendment, on the basis of the fifth amendment. I have stated what I mean by these things.

I also wish to decline to answer that question on other grounds.

Mr. WALTER. Well, the fact of the matter is you are declining to answer because you have been a member of organizations that were

erected for the purpose of attempting to overthrow this Government; is that the fact?

Dr. FINE. If you have——

Mr. WALTER. That is why you are not——

Dr. FINE. Any evidence of that fact, Mr. Walter, I would ask you to bring that forth here in this hearing at this moment. If you have any informers, or any political spies, or anything of that sort, which have given you this evidence, I ask that they be brought forth at the same time, and that I and my counsel may be given the right to cross-examine these individuals, and then that I be confronted with whatever evidence you may find.

Mr. VELDE. Dr. Fine, if you will answer the question and not refuse to answer it—if you will answer the question that was put to you by counsel—then I will be glad to give you every opportunity to state your political beliefs, or anything else you want to state. Just answer the question “Yes” or “No,” truthfully.

Mr. PERLIN. What was——

Dr. FINE. I have declined to answer that question. I have stated my grounds. I have stated my grounds at length. I believe this is the right of every citizen, and I resent the coercion of this committee in compelling me or attempting to compel me to answer a question of conscience and a question which I am protected from answering under the fifth amendment.

Mr. CLARDY. If you were not such a member, is there any possibility that you can explain to this committee that you might be convicted of some crime or of some other offense——

(At this point Dr. Fine conferred with Mr. Perlin.)

Mr. CLARDY (continuing). If you were not a member of such an organization?

(Dr. Fine continued to confer with Mr. Perlin.)

Mr. CLARDY (continuing). If so, tell me how that is possible.

(Dr. Fine continued to confer with Mr. Perlin.)

Dr. FINE. Would you repeat your question, please?

Mr. CLARDY. It is very simple. If you are not or never have been a member of an organization dedicated to the destruction of this Government, would a denial of membership in that organization, in your opinion, in some way, incriminate you?

Dr. FINE. I would like to say it has been clearly shown and has been the opinion of many justices in our country, of many legal authorities, it has been the historical background of the fifth amendment, that is a protection against bearing witness against one's self.

Mr. WALTER. Well, now, you——

Dr. FINE. It is a protection afforded——

Mr. WALTER (continuing). Haven't shown——

Dr. FINE. May I finish, please?

It is a protection afforded primarily to the innocent. Its intention is to protect the innocent, and I will say that in these times of hysteria and fear, which I consider this committee to be largely responsible in this atmosphere of fear, which Justice Douglas has called the black silence of fear, in this atmosphere of informers, many times or almost always unreliable, in this atmosphere of political spies, and things of that sort, I think there is every ground to believe that an answer to some of the questions put by this committee might under these circumstances bring forth some sort of prosecution.

Mr. CLARDY. If you——

Mr. WALTER. Were you——

Mr. CLARDY. Were to answer any of those questions——

Dr. FINE. And I would say——

Mr. CLARDY. In that connection, do you so apprehend——

Dr. FINE. And I would say the case of Mr. Lattimore is a prime example of that.

Mr. CLARDY. You are defending Mr. Lattimore, I take it?

Dr. FINE. I am not in a position to defend Mr. Lattimore.

Mr. CLARDY. Why did you bring it in, then?

Dr. FINE. I believe his example is a prime example of a citizen who is being persecuted and prosecuted on the flimsiest grounds, which involves the interpretation of this committee and of committees——

Mr. WALTER. Well, now——

Dr. FINE. Like it, as to what——

Mr. CLARDY. May I——

Dr. FINE. The person's beliefs are, and what the meaning of those beliefs are.

This committee never had the right to impress on the American people what its conception of the right way to think is, and I deny that right here at this moment.

(Representative Morgan M. Moulder entered the hearing room at this point.)

Mr. WALTER. Well, you haven't shown any reluctance at all in telling us of your membership in other organizations. As a matter of fact, you have been boasting about it. Now, why is it you all of a sudden become so hesitant——

Dr. FINE. I would like to say, first of all, I think that is extremely unfair. I wasn't boasting. I was asked my educational background, and I so stated.

Mr. WALTER. You were asked your educational background——

Dr. FINE. And I so stated.

Mr. WALTER. But you weren't asked about any organizations, were you?

Dr. FINE. Now, I would like to go on.

It seems to me, in certain areas in which this committee is particularly concerned and disturbed, that there shouldn't be any disagreement with the ideas of what is correct, what is standard, what the authority of this committee is. In those areas, there is a very serious problem for the serious citizen, the citizen who takes his responsibilities seriously and believes it is his right and his duty to criticize, to dissent where his conscience tells him thus.

Mr. CLARDY. Witness, are you sitting there in fear and trembling at the actions of this committee this morning?

Are you intimidated or have you been intimidated at any point?

Dr. FINE. I am not trembling for myself, but I will say, in answer to that question, I have great trepidation for the American people, for the medical profession, and for the teaching profession; and if I may, I would like to read here——

Mr. WALTER. Before you go——

Dr. FINE. At this time.

Mr. WALTER. I am going to interrupt you at this point, because I have a great regard for the medical profession, coming from a family

of doctors, who were not members of the Communist Party at the same time.

Now, what is there about this questioning that in anywise affects the freedom of action of any doctor, and why is it that the fact that you are being interrogated is used by you to make it appear as if this committee was attempting to do something to the medical profession?

You don't speak for the medical profession.

MR. CLARDY. You won't even speak for yourself.

MR. VELDE. Now, let's give the witness a chance to answer these questions.

DR. FINE. Thank you, Mr. Chairman.

Is there a question pending?

MR. VELDE. Yes—the question as to your membership in the Marxist study group.

DR. FINE. I have already declined to answer that question.

MR. KUNZIG. Shall I continue, sir?

MR. VELDE. Yes.

MR. SCHERER. Let me——

MR. VELDE. Mr. Scherer.

MR. SCHERER. Are you a member of the Communist Party?

DR. FINE. I decline to answer that question on the same grounds exactly——

MR. SCHERER. You have never been——

DR. FINE. As the question that was put before.

MR. SCHERER. Have you ever been a member of the Communist Party?

DR. FINE. I decline to answer that question on exactly the same grounds.

MR. KUNZIG. Did you ever attend Marxist lectures at Communist Party headquarters in New Haven, Conn.?

DR. FINE. I decline to answer that question on the same grounds.

MR. KUNZIG. Did Joseph Cort—C-o-r-t—a medical student at Yale University, ever give any of the lectures held at Communist Party headquarters in New Haven?

DR. FINE. I would like to decline to answer that question on the same grounds, and I would also like to decline to answer that question on another ground—and I think the committee should bear with me at this time.

MR. VELDE. Well, the question is not as you would like to do it. The question is very simple and can be answered "Yes" or "No."

DR. FINE. I decline to answer the question on those grounds, and I would like to state additional grounds for declining to answer that question.

MR. SCHERER. He has already stated sufficient grounds for his declination, namely, the fifth amendment.

DR. FINE. I have additional grounds to state here, and I would like to have permission of the chairman to state those grounds.

MR. CLARDY. May I ask him a question first?

MR. VELDE. How long would it take you to state those grounds?

DR. FINE. Approximately 30 seconds.

MR. VELDE. All right. I will give you 30 seconds to state those.

MR. CLARDY. May I inquire: Is it argumentative or merely a statement?



Mr. VELDE. No; the Chair has stated he may have 30 seconds to state the additional grounds.

Dr. FINE. Every physician takes the Hippocratic oath for a serious plan in relationships, as I have tried to do in my relationships, with patients and people, and I would like to read a pertinent section from the Hippocratic oath:

In whatsoever house—

Mr. KUNZIG. I don't see what the Hippocratic oath has to do with this question.

Dr. FINE. I think it is very pertinent to the question.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Just a minute. The Chair has made a statement he will be allowed 30 seconds to state—

Mr. CLARDY. Mr. Chairman, may I interrupt to insist on this: Since he has identified the nature and since, in my opinion, as a member of the committee, it can have no relevancy whatsoever. I don't think we should entertain any more loss of time.

Dr. FINE. I think it is very relevant, if I may say so, Mr. Clardy.

Mr. CLARDY. Never mind.

Dr. FINE. As a physician.

My grounds are these—and I am reading them from the Hippocratic oath:

In whatsoever house I enter, I will enter to help the sick, and I will abstain from all intentional wrongdoing and harm, especially from abusing the bodies of man or woman, bond or free, and whatsoever I shall see or hear in the course of my profession, as well as outside my profession, in my intercourse with men, if it be what should not be published abroad, I will never divulge, holding such things to be holy secrets.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. You have refused to answer that last question?

Dr. FINE. I have declined to answer that question.

Mr. KUNZIG. Declined to answer the question.

In what organization, if any, were you affiliated with Joseph Cort?

Dr. FINE. That is an extremely broad question. I couldn't begin to answer it. I don't know even what it means.

Mr. KUNZIG. You don't know what organization you were affiliated in with Joseph Cort?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. I was a fellow student at Yale University School of Medicine with Joseph Cort.

Mr. KUNZIG. Do you know Joseph Cort to be a member of the Communist Party?

Dr. FINE. I decline to answer that question on the same grounds stated before.

Mr. KUNZIG. While you were a student at Yale University, did you ever participate in a door-to-door or neighborhood campaign for the sale of the Daily and Sunday Worker?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. While you were a student at Yale University, did you ever perform such functions as distributing Communist Party literature at the industrial plants or factories in the New Haven area?

Dr. FINE. I decline to answer that question on the same grounds stated before and the same reasons.

Mr. KUNZIG. Did you know William Kerner—K-e-r-n-e-r—while he was a student at Yale University?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. I do not recall any such person.

Mr. KUNZIG. Did you know an Arthur Levy—L-e-v-y—while you were at Yale University?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. I have no present recollection of such an individual.

Mr. KUNZIG. You don't have any present recollection whether you attended Marxist lectures with William Kerner or Arthur Levy?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. I think that is the same question as has been asked before in a slightly different form, and I decline to answer that question on the same grounds.

Mr. KUNZIG. On the same grounds?

Dr. FINE. As stated before.

Mr. KUNZIG. Did you know Hal Woerner—W-o-e-r-n-e-r—while you were at Yale University?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Did you know a Ben Dontzin—D-o-n-t-z-i-n?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Did you participate in any Marxist lectures with either Hal Woerner or Ben Dontzin?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Did you know William Rubenstein?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Did you attend Marxist lectures with William Rubenstein?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Did you know Ted Polunbaum—P-o-l-u-m-b-a-u-m?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Doctor, did you attend any Marxist lectures with Ted Polunbaum?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Did you know his wife, Nina Polunbaum?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Did you know one Jerry Brown—B-r-o-w-n?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Did you attend any Marxist lectures with either Jerry Brown or Nina Polunbaum?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Now, according to the committee's investigation, Doctor, the individuals whose names I have mentioned were among those who participated in and were a part of the youth section of the Communist Party in New Haven, Conn. Were you a member of the youth section of the Communist Party?

Dr. FINE. This is the same question as has been asked before, and I decline to answer that question on the same grounds.

Mr. KUNZIG. Did you know any of the individuals we have mentioned previously in this questioning as members of the Communist Party?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. The committee's investigation has determined that the Marxist study group to which we have been referring this morning was known as the John Reed Club—R-e-e-d the John Reed Club. Were you a member of the club known as the John Reed Club?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. Before I proceed to answer that question, I would like to know the evidence that this committee has on which to base the assertion which has just been made.

Mr. KUNZIG. Mr. Chairman, I request that the witness be required to answer the question.

Mr. VELDE. Well, Mr. Witness, let me tell you this, in case you do not know it—I am sure you know it; but I want to tell you again: That the committee is asking the questions under the direction of the House of Representatives to ascertain facts relative to subversion in this country, and the other duty is to report to Congress and to report to the American people concerning subversive activities. We consider that a member of the Communist Party is a subversive.

Now, as far as this question has been put to you is concerned, as I said before, the committee is asking the questions through its counsel and we are trying to get information.

Dr. FINE. I would like to make a point, if I may.

Mr. VELDE. All right, proceed.

Dr. FINE. I think that in naming individuals in the manner which has been named here that this committee is seeking to punish by smear, by publicity, by innuendo that which the Constitution prevents the Congress from punishing by law. I would like to say, therefore, I believe it has usurped one of the functions of the judiciary.

Since this is my belief, I think the safeguards which are provided for the judiciary should be recognized here and, therefore, I again request that any evidence which this committee has with respect to myself or to the people named before this committee be brought forward at this time. If there are witnesses, that you allow my counsel to—

Mr. VELDE. Mr. Witness—

Dr. FINE. Cross-examine these witnesses.

Mr. VELDE. You are the best answer to that.

Do you belong to the Communist Party at the present time?

Dr. FINE. Mr. Velde, that question has been asked at least a half dozen times before. I have stated as a matter of conscience and on other grounds that I refuse to answer that question, and I would like to have an opportunity at this time to read something that Thomas Jefferson said with regard to this type of questioning, and I will proceed—

Mr. VELDE. Now, you have been given plenty of opportunity—

Dr. FINE. I think it would be very pertinent to this committee to refresh its memory with regard to some of the things Thomas Jefferson said.

Mr. MOULDER. Mr. Chairman.

Dr. FINE. And I would like to have an opportunity to do this.

Mr. MOULDER. Mr. Chairman.

Mr. VELDE. Mr. Moulder.

Mr. MOULDER. In view of the statements you made, if you were not a member of the Communist Party, would you answer the question when that question was propounded to you?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. It seems to me that is an identical question or a very subtle variation of questions which have been previously asked, and I decline to answer on the same grounds.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. CLARDY. May I interrupt to ask one question?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Witness, do you apprehend that merely asking you if you know some person whose name is given to you will in some way invade your field of personal freedom, no matter who that individual might be?

(At this point Dr. Fine conferred with Mr. Perlin.)

Mr. CLARDY (continuing). Is that your position?

I want to understand it clearly.

Mr. PERLIN. I wonder whether you—

Mr. CLARDY. You may consult—

Mr. PERLIN. No; I wonder—just the question. I am sorry.

Mr. CLARDY. I will repeat it.

I am seeking to ascertain whether you really honestly and truly believe that a question directed merely at discovering whether you know a given person or a group of persons will, in your opinion, in some way, invade your personal freedom. Is that your position?

I want to understand it—

Dr. FINE. I would like to say—

Mr. CLARDY. Clearly.

Dr. FINE. That is not necessarily so; but I think it is clear from the questions that have been made, that have been placed here, and from the assertions that have been made with regard to certain individuals, it unquestionably would be an invasion of my personal freedom if I were to answer some of these questions.

Mr. CLARDY. Is that because of your own knowledge, that you know those persons belong to the kind of subversive organizations we have been inquiring about?

Dr. FINE. Mr. Clardy, isn't that the same question all over again?

Mr. CLARDY. No; it is not.

Do you care to answer that or decline—

Dr. FINE. As I understand the question—

Mr. CLARDY. To answer it?

Dr. FINE. It is the same, and I decline to answer it on the same grounds.

Mr. CLARDY. On the same grounds.

Now, if we should ask whether you know your counsel who sits beside you, would you decline to answer that also?

Dr. FINE. I think it is quite obvious I know my counsel.

Mr. CLARDY. And you know a great many people in your hometown about whom you would answer the question?

Dr. FINE. I obviously know a great many people in my hometown.

Mr. CLARDY. But these particular people who were named, you will decline to answer as to any of them because you know they belong to the group about which we are inquiring; is that not the fact?

Dr. FINE. Is that an assertion on your part?

Mr. CLARDY. No; it is not. The fact of the matter is—

Dr. FINE. But it is an assertion the way it was phrased.

Mr. CLARDY. Now, you heard the question.

Dr. FINE. Well, the question——

Mr. CLARDY. Now, is that not the fact?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. I think that the whole purpose of this type of questioning is an attempt to destroy the rights which are guaranteed——

Mr. VELDE. You have been asked——

Dr. FINE. Under the fifth amendment.

Mr. VELDE. A very simple question.

Dr. FINE. And I will say——

Mr. VELDE. Now, will you answer the question, please?

Dr. FINE. That there is no implication whatsoever of guilt of any sort in invocation of the fifth amendment.

Mr. CLARDY. Well, I asked you a simple question——

Dr. FINE. And this is the basis——

Mr. VELDE. Now, do you invoke the fifth amendment?

Dr. FINE. I have so stated.

Mr. VELDE. Proceed, Mr. Counsel.

Proceed.

Mr. KUNZIG. The committee's investigation——

Mr. SCHERER. Pardon me just a minute.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Did you know any of these men Mr. Kunzig mentioned by any other name?

Mr. CLARDY. Any alias, he means.

Mr. SCHERER. Any other name.

Well, let's put it this way: What other name have you used at any place, at any time, during your life than Daniel Fine?

Dr. FINE. I have no personal recollection whatsoever of ever having used any other name, and I would doubt offhand that I would ever do such a thing.

Mr. SCHERER. Isn't it a fact that you are and were a member of the Communist Party and, as such, you used another name?

Dr. FINE. I think that is the same——

Mr. PERLIN. Just on the formulation——

Dr. FINE (continuing). Question, Mr. Scherer.

Mr. PERLIN. Just on the formulation, it is a confused question.

Mr. SCHERER. It is not confused.

Mr. PERLIN. It has two things in it, and I would just request——

Mr. VELDE. Mr. Counsel, you are allowed, by the courtesy of the committee and the courtesy of Congress, to confer with your witness and advise him as to his constitutional rights and other rights which he might have. Unless you are under oath, you are not allowed to make a statement.

Mr. PERLIN. Mr. Chairman, just one question, for clarification, to you, if I may.

Mr. VELDE. All right. Proceed.

Mr. PERLIN. When a question is, as most of you know, or practically all of you know, as attorneys, confused or has 2 answers or 2 parts, that makes it impossible to give an accurate answer to it, or 1 question is based on an assumption of fact and stated in 1 part of the question. The only reason I raise it is just for the question of the clarification of the question so there will not be——

Mr. VELDE. Now, Counsel——

Mr. PERLIN. A confused answer.

MR. VELDE. Will you read the question back by Mr. Scherer?

MR. CLARDY. If I may interrupt to interject something, sir——

MR. VELDE. No; let's have the question read.

(The reporter read the question as follows:

Did you know any of these men Mr. Kunzig mentioned by any other name?

MR. CLARDY. Any alias, he means.

MR. SCHERER. Any other name. Well, let's put it this way: What other name have you used at any place, at any time, during your life than Daniel Fine?)

MR. SCHERER. The question after that.

MR. VELDE. Would you restate your question, Mr. Scherer?

MR. SCHERER. Yes.

Is it not a fact you were a member of the Communist Party and, as such, used another name other than Daniel Fine?

MR. VELDE. Well, that is——

DR. FINE. Yes.

MR. VELDE. A split question. Let's ask one question at a time.

MR. SCHERER. Well, as a member of the Communist Party, did you use any other name other than Daniel Fine?

MR. VELDE. That still is a split question, Mr. Scherer.

May I clarify the question by asking whether you used any other name?

DR. FINE. In my recollection, to my recollection, I never have.

MR. VELDE. Proceed, Mr. Counsel.

MR. KUNZIG. Doctor, the committee's investigation——

MR. CLARDY. Just one moment, Mr. Chairman.

MR. VELDE. Mr. Clardy.

MR. CLARDY. May I just suggest something to the counsel—that when he has any advice at all, along the nature you suggested a while ago, he is at perfect liberty always to tell his client to raise that objection.

MR. VELDE. Yes.

MR. PERLIN. Right.

MR. CLARDY. You are just not permitted to take part.

We are all lawyers up here, and I am sure you understand the score.

MR. PERLIN. I just wanted to facilitate it, and I thought that was the best way to do it.

MR. CLARDY. That is just why I told you what I did.

MR. KUNZIG. Doctor, the committee's investigation has determined that the members of the Communist Party in New Haven dominated and controlled the Young Progressives and the Progressive Citizens of America in New Haven. Were you a member of either the Young Progressives or the Progressive Citizens of America?

DR. FINE. I decline to answer that question on the same grounds.

MR. KUNZIG. Were you at any time elected to or appointed to the Connecticut State Youth Council of the Communist Party?

DR. FINE. It seems to me fairly clear that this question is not being asked to obtain information, but merely to place on the record certain smears, certain implications, certain cloak-and-dagger conceptions.

MR. VELDE. What was the question?

I am sorry——

MR. CLARDY. Mr. Chairman, may I ask that be stricken from the record?

MR. VELDE. Yes.

MR. KUNZIG. The question was——

Mr. VELDE. It may be stricken, until we hear the question.

Mr. KUNZIG. The question was, Mr. Chairman: Were you at any time elected to or appointed to the Connecticut State Youth Council of the Communist Party?

(At this point Dr. Fine conferred with Mr. Perlin.)

Mr. WALTER. And what was that answer?

I don't think that should be stricken.

Mr. CLARDY. Well, it is impertinent. That is the reason I suggested it. It might be helpful other ways.

Mr. WALTER. It is very contemptuous. It indicates the general attitude of the witness and, for that reason, I think it should remain in the record. So, I am going to object—

Mr. CLARDY. I will withdraw my objection. You have a better idea.

Dr. FINE. I would like to assert my attitude is not contemptuous. I have a great respect for the Congress of the United States as individuals, and I have a great respect for you gentlemen here today. I disagree with certain things I think this committee is doing, and I think it is my right as a citizen to so state.

Mr. VELDE. Now, will you answer the question that was put to you by counsel?

Mr. KUNZIG. I believe he has already given the answer to that question.

You refuse to answer further, or you decline on that question?

Dr. FINE. I decline to answer that question on the same grounds—

Mr. KUNZIG. Did you know—

Dr. FINE. As previously stated.

Mr. KUNZIG. Did you know Charles Lindsey Clark—L-i-n-d-s-e-y—Clark—C-l-a-r-k—who was a graduate student at Yale and an instructor in physics?

Dr. FINE. I decline to answer that question on the same grounds as previously stated.

Mr. KUNZIG. Did you know Clark to be a member of the Communist Party?

Dr. FINE. I decline to answer that question on the same grounds.

Mr. KUNZIG. Now, you have mentioned that you went to radar school. Were you a student or did you perform any other duties at radar school of the Navy? You were not on the faculty, in other words, or anything like that?

Dr. FINE. No: I was a student.

Mr. KUNZIG. Did you at any time during your Navy training have given to you confidential or classified information?

Dr. FINE. I believe I did.

Mr. KUNZIG. Did you at any time pass on any classified or confidential information to the Communist Party or any agents thereof?

Mr. Chairman, I request that the record show the witness thinks this question is so humorous that he is literally laughing about it.

Mr. VELDE. Yes: I think the record should—

Dr. FINE. That is ridiculous.

Mr. VELDE (continuing). Certainly show that.

Mr. PERLIN. That is ridiculous.

Mr. VELDE. And let the record show counsel for the witness thinks it is ridiculous, too.

Mr. PERLIN. I do.

Mr. VELDE. I am sure all of the members of the committee think it is not ridiculous. It is very sincere.

Mr. PERLIN. Well——

Dr. FINE. I would like to say I think that question is an insulting question. It implies certain things which are clearly untrue and you, Mr. Velde, know the thing that is implied there is untrue, as well as I do.

Mr. VELDE. Now, will you answer the question?

Dr. FINE. I am a law-abiding citizen, and to my knowledge——

Mr. VELDE. Mr. Witness, will you answer the question?

Dr. FINE. I have never violated the law.

Mr. VELDE. Will you answer the question?

Dr. FINE. I am answering the question.

If I had any confidential information, it was passed on only within the realm to which it was supposed to be. In other words, if I was functioning as an officer messenger, the confidential information was given to those to whom it was supposed to be given, which was the regulations of the Navy, or any other capacity, any other confidential information which I may have——

Mr. VELDE. You did give confidential information: is that correct?

Dr. FINE. Absolutely not.

Mr. PERLIN. No; he didn't say——

Dr. FINE. If I had confidential information in my possession, it may have been given to other Navy officers whose duties required of their having that confidential information.

Mr. VELDE. What I am asking——

Dr. FINE. In other words——

Mr. VELDE. What I am asking, Mr. Witness: Did you give information to any other officer of the Navy, regardless of whether it was in line of duty or not?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. No; I did not, except within the realm it was fulfilling of my duty.

Mr. PERLIN. In the line of duty.

Dr. FINE. I think that is clear.

Is that clear, Mr. Velde?

Mr. VELDE. Yes.

Mr. KUNZIG. The Daily Worker, New York, Thursday, September the 8th, 1949, carried a story concerning the Paul Robeson situation at Peekskill—P-e-e-k-s-k-i-l-l. In that document, in the paper, it lists one Daniel Fine, Yale Medical School student, as one of those injured in that riot. Did you participate in that riot or fighting which took place up there at Peekskill?

Dr. FINE. I would like to answer that question, and I would like to have an opportunity, before I begin, to have permission of this committee to answer that question in full.

Mr. VELDE. Well, now, I can't give you permission to harangue——

Mr. PERLIN. He doesn't wish to harangue.

Mr. VELDE. And argue. The question is very simple: Did you participate in the Peekskill riot?

Now, if you will answer "Yes" or "No," then we will allow you to explain your answer.

(At this point Dr. Fine conferred with Mr. Perlin.)



Dr. FINE. I would be glad to have the opportunity to tell everything about Peekskill, but I participated in no riot. I was a victim of violence, of force and violence, at that concert——

Mr. VELDE. You were there?

Dr. FINE. At the hands of hoodlums and vigilantes, whom I believe were partly incited by the work of this committee and similar committees; and, since this committee claims to be interested in force and violence, and since I am wholly and totally opposed to force and violence, in any form, particularly because of my experience at Peekskill, I would like to have an opportunity to answer that question in full.

Mr. VELDE. You answered that you were present at Peekskill?

Dr. FINE. I was severely injured at Peekskill.

Mr. VELDE. Whatever you call it, whether it was a riot, whether it was picketing, or whatever it was, you were in Peekskill at the time mentioned by counsel; is that true?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. I would like to say I was not picketing. I was a spectator at a cultural event, and in the course of leaving that concert, I was struck in the face about three-quarters of a mile away from the concert ground by a rock thrown from a car coming in the opposite direction. As a result of that, I was hospitalized for 2 weeks, and during that illness I was in an extremely dangerous—an extremely dangerous condition.

Mr. CLARDY. Do you know Paul Robeson?

Dr. FINE. I know of Paul Robeson from his cultural work, from his artistry, as I think most Americans who are interested in music and the theater know Paul Robeson.

Mr. CLARDY. Well, my question was: Do you know him personally?

Dr. FINE. I know of him merely by public report.

Mr. CLARDY. I see. You have had no social intercourse with him, then?

Dr. FINE. That is correct.

Mr. KUNZIG. Do you know a Mike Russo—R-u-s-s-o?

Dr. FINE. I decline to answer that question on the same grounds—that is, the grounds previously stated—the first amendment, the fifth amendment.

Mr. KUNZIG. Did you ever have a discussion with Mike Russo regarding membership in the Communist Party?

Dr. FINE. I think that is an identical question to ones which have been previously answered, and I think my answer is clear to this committee. I decline on the same grounds.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. No questions.

Mr. VELDE. Mr. Scherer.

(No response.)

Mr. VELDE. Mr. Walter.

(No response.)

Mr. VELDE. Mr. Moulder.

Mr. MOULDER. I just want to ask him one question.

Doctor, during the past 5 years have you attended any conference, political conference or meeting, or discussion, which you didn't consider to be communistic?

(At this point Dr. Fine conferred with Mr. Perlin.)

Mr. PERLIN. What was that question again, because it's a double negative, and I don't know——

Mr. MOULDER. Well, I will ask it this way: Have you attended any political meeting during the past 5 years, or any conference, or meetings, which were not communistic?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. I would like to decline to answer any question of that sort on the basis of the first amendment to the Constitution which guarantees freedom of assembly, guarantees freedom of speech, and guarantees freedom of the press.

Mr. MOULDER. I wasn't challenging your right of freedom or the statement which you have just made.

Dr. FINE. I think——

Mr. MOULDER. It in no way interferes with that.

Dr. FINE. I think it is——

Mr. MOULDER. I was merely asking——

Dr. FINE. Implicit in our form of government that the ballot is secret, I think, in the same sense one's political convictions, one's political activities, are a matter of conscience, to be spoken or not to be spoken, as the individual pleases, and I would like to, in that regard, read from Thomas Jefferson because I think this committee will be very interested in that.

Mr. MOULDER. Well, Thomas Jefferson——

Mr. WALTER. We have all read all of that.

Dr. FINE. I don't think this committee has heard this particular statement of Thomas Jefferson.

Mr. WALTER. Yes. I am very well acquainted with Jefferson, and perhaps have a different appreciation of what he stood for than what you and other people who have hiding behind him think he said.

Dr. FINE. May I read the statement, and will you tell me then if you agree with the meaning of the statement?

Mr. WALTER. No; I know all about Jefferson. I have read his works——

Dr. FINE. Mr. Velde, I appeal to you——

Mr. WALTER. As a boy.

Dr. FINE. For the privilege of reading——

Mr. VELDE. No; I must say this: Thomas Jefferson was a great man, and I think all the members of the committee know of his great work, and you can't enlighten us any further with a——

Mr. MOULDER. He couldn't——

Mr. VELDE (continuing). Dissertation on the work of Thomas Jefferson.

Mr. MOULDER. He certainly can't refuse to answer, Mr. Chairman——

Dr. FINE. I would like to in that regard——

Mr. VELDE. So, Mr. Witness, I must insist——

Dr. FINE. In that regard—to read a quotation from Thomas Jefferson and ask Mr. Velde whether he agrees with this statement.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. The Chair refuses to hear anything further——

Mr. PERLIN. Mr. Chairman——

Dr. FINE. Does this committee feel frightened by Thomas Jefferson?

Mr. VELDE. Dr. Fine, let me say this: You have been called as a witness here to give information to the committee. I have told you this before. We have the duty, as imposed upon us by the House of Representatives, to investigate subversive activities. I am sure that you could be of great assistance. We asked you to come before this committee to give that assistance. The committee—and I am speaking for myself—and I think I can speak for the other members—can draw the inference from your performance here today that presently you are a member of the Communist Party and that you have been engaged in subversive activities.

Now, I want to ask you one final question: Do you want to remove that doubt, or that opinion, that we as a committee of Congress have?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. I believe the assumption that has been made by you is another attempt of this committee to destroy the fifth amendment, and I again state that if this committee has any evidence, has any witnesses, has anything of the sort, which it wishes to bring forward, if it will allow my counsel to cross-examine the witnesses, to be confronted by the evidence, then I think we can discuss this matter further.

Mr. VELDE. Is there anything further?

Mr. MOULDER. Mr. Chairman.

Mr. VELDE. Mr. Moulder.

Mr. MOULDER. My understanding, Mr. Chairman, is that the witness has not declined to answer your statement.

Mr. CLARDY. He hasn't declined to answer. He just hasn't answered it.

Mr. MOULDER. No; he has not declined to answer your statement, Mr. Chairman—the statement containing the assumption he had been guilty of engaging in subversive activities.

Mr. PERLIN. Mr. Chairman, with your leave——

Mr. VELDE. Mr. Counsel——

Mr. PERLIN. Excuse me. I am not going to—I am just going to make a request. I gather the questioning is over. I would just like to make this request, with your leave. It will take 10 seconds.

Mr. KUNZIG. The questioning, sir, is not over because there was no answer to the last question.

Mr. VELDE. No. It would be unfair to other counsel who have appeared before this committee to allow you to make——

Mr. PERLIN. Well, it represents the same procedure followed by this committee——

Mr. VELDE. You understand, Mr. Counsel, this is not a court of law.

Mr. PERLIN. No.

Mr. VELDE. We are trying to ascertain facts.

We give you the privilege of consulting with your client.

Mr. PERLIN. I recognize that, Mr. Congressman, but other committees have followed the same procedure I was going to ask.

Mr. VELDE. Other committees of Congress do not allow their witnesses to have counsel.

Mr. PERLIN. I was——

Mr. VELDE. We are going out of our way to allow you to represent a client before this committee.

Mr. PERLIN. I appreciate that, Mr. Congressman.

Mr. VELDE. I just cannot allow you to make any further statements.

Mr. PERLIN. Well——

Mr. VELDE. You may consult with your witness and give him all of the benefit of your legal ability, your knowledge, and everything else, but I cannot allow you to make any voluntary statements.

Mr. PERLIN. All right. I am not——

Mr. VELDE. That is all there is to it.

Mr. PERLIN. I am not making any statement. I am just referring to a prior procedure followed by this committee before——

Mr. CLARDY. Mr. Chairman.

Mr. PERLIN. Where Mr. Jackson followed this procedure.

Mr. CLARDY. Mr. Chairman.

Mr. PERLIN. That is the only thing I am requesting.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. May I suggest the witness has not answered your question——

Mr. PERLIN. That is the only thing.

Mr. CLARDY. And that he be compelled to answer it.

Mr. PERLIN. I think it is the practical thing to do.

Mr. CLARDY. Will counsel please subside?

Mr. VELDE. Mr. Counsel——

Mr. PERLIN. Yes.

Mr. VELDE. May I say this: We have, in the past, or this committee has—not under my chairmanship—removed witnesses from the hearing room——

Mr. PERLIN. You mean counsel?

Mr. VELDE. Both.

Mr. PERLIN. Both.

Mr. VELDE. And I wouldn't want to do that.

Mr. PERLIN. I wouldn't want you to do it, Mr. Congressman. I wouldn't want you to do it.

Mr. VELDE. Now, there has been a suggestion made——

Mr. CLARDY. Yes.

Mr. VELDE. That the witness has not answered my question, and you are directed to answer the question.

Dr. FINE. Would the question please be repeated?

Mr. VELDE. Yes.

Will the reporter read the question?

(The reporter read the question as follows:)

Dr. Fine, let me say this: You have been called as a witness here to give information to the committee. I have told you this before. We have the duty imposed on us by the House of Representatives to investigate subversive activities. I am sure that you could be of great assistance. We asked you to come before this committee to give that assistance. The committee—and I am speaking for myself—and I think I can speak for the other members—can draw the inference from your performance here today that presently you are a member of the Communist Party and that you have been engaged in subversive activities. Now, I want to ask you one final question: Do you want to remove that doubt, or that opinion, that we as a committee of Congress have?

(At this point Dr. Fine conferred with Mr. Perlin.)

Dr. FINE. I would like to say that, as far as I have been able to ascertain here today, that assumption is based on no evidence, other than the characterization which this committee has chosen to make.

This is exactly the basis on which Mrs. Agnes Meyer has criticized this committee for its improper proceedings——

Mr. VELDE. Doctor——

Dr. FINE. Which reduced the rights of American people.

Mr. VELDE. Doctor, you can furnish——

Dr. FINE. I would like to ask——

Mr. VELDE. Evidence. If you are asking about evidence, you can furnish the evidence here today by just answering this question.

(At this point Dr. Fine conferred with Mr. Perlin.)

Mr. CLARDY. All you have to do is deny any Communist connections and your record will be clear.

Dr. FINE. If this committee has no other evidence, then I think it is improper that they make any sort of accusation.

If this is the method of operation of this committee, it is clearly one which is inquisitorial, which was followed in the tradition of every inquisition in our history, starting with the inquisition of Jesus Christ, proceeding through the inquisitions in Spain, the inquisitions of the Puritans and the inquisitions which took place in this country of the so-called Salem witches.

On this basis, I think there is no reason to believe that this committee has any evidence. I have stated before—if it does, I ask it to bring such evidence forward and I would like to also ask——

Mr. VELDE. Well, now——

Dr. FINE. At this moment——

Mr. VELDE. Mr. Witness——

Dr. FINE. If I may proceed, Mr. Chairman——

Mr. VELDE. No. No; you may not proceed any further, because it is merely a harangue and you are not answering the question.

It is very dull to us——

Dr. FINE. I am sorry to hear——

Mr. VELDE. Dr. Fine——

Dr. FINE. That our noble history, one which has brought forth freedom in this country, through long struggle, is dull to this committee.

Mr. VELDE. Now, the committee has other business to attend to and we don't care to listen to a person who is a witness before this committee who refuses to answer a very simple and easy question to answer.

Now, do you or do you not refuse to answer this question?

Dr. FINE. I have declined to answer this question and similar questions, and I have stated my grounds, and I would like to ask this committee——

Mr. VELDE. Do you so decline to answer the question——

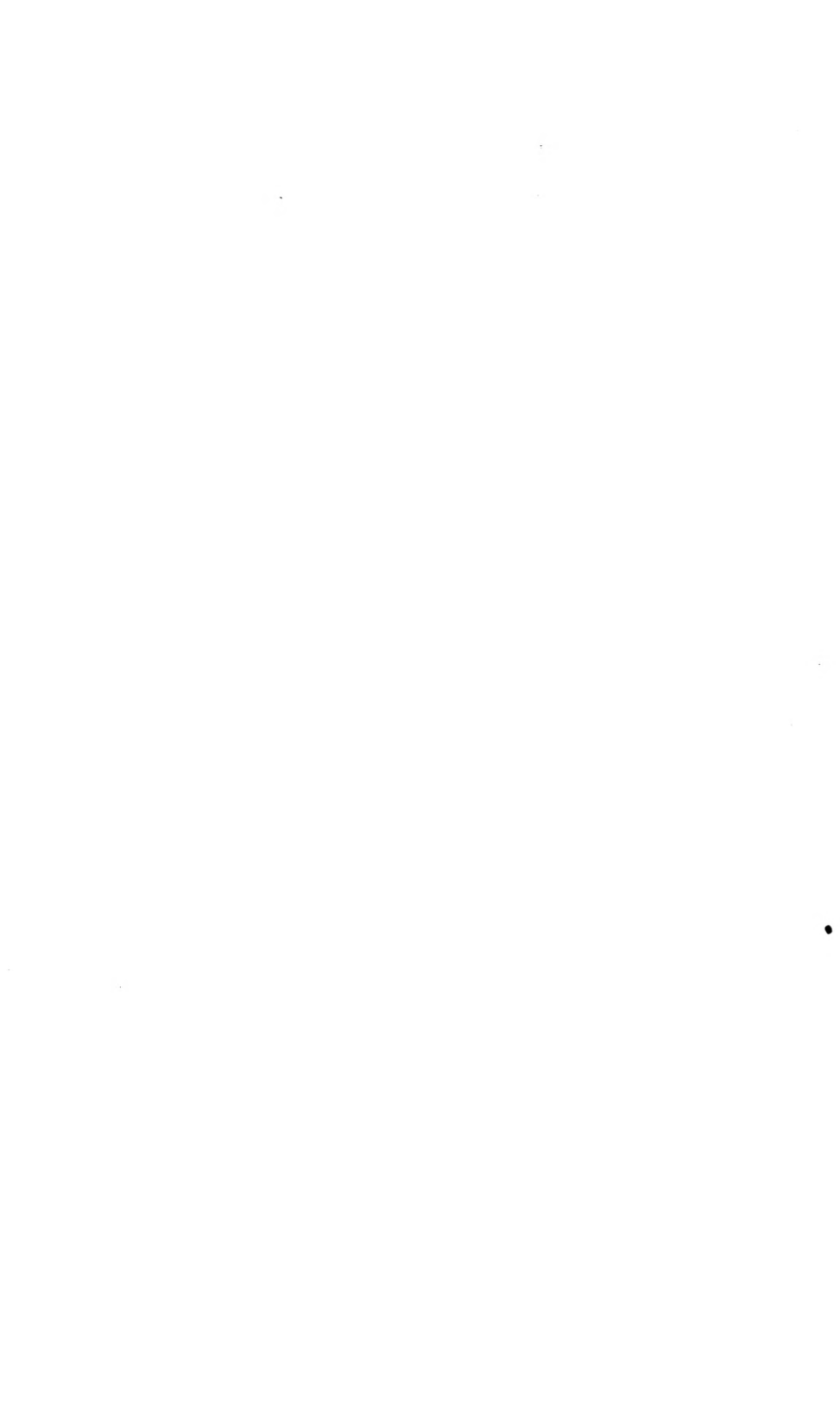
Dr. FINE. I have declined to answer——

Mr. VELDE (continuing). That was put to you?

Dr. FINE. And I would like to ask this committee to give me the same assurances——

Mr. VELDE. The committee is adjourned until Thursday morning at 10:30.

(Whereupon, at 11:45 a. m., the hearing was recessed until 10:30 a. m., Thursday, April 16, 1953.)



## COMMUNIST METHODS OF INFILTRATION (Education—Part 2)

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THURSDAY, APRIL 16, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

### PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to adjournment, at 10:40 a. m., in the caucus room, 362 Old House Office Building, Hon. Harold H. Velde (chairman), presiding.

Committee members present: Representatives Harold H. Velde, Bernard W. Kearney, Kit Clardy, Gordon H. Scherer (appearance noted in transcript), and Morgan M. Moulder.

Staff members present: Robert L. Kunzig, and Frank S. Tavenner, Jr., counsel; Louis J. Russell, chief investigator; Raphael I. Nixon, director of research; Donald T. Appell, investigator; and Thomas W. Beale, Sr., chief clerk.

Mr. VELDE. The committee will come to order.

Mr. Reporter, let the record show that I have set up a subcommittee for the hearing of Dr. Wendell Furry consisting of Mr. Kearney as chairman, Mr. Clardy, and Mr. Moulder.

(Representative Harold H. Velde left the hearing room at this point.)

Mr. KEARNEY (presiding). Mr. Counsel, are you ready—

Mr. TAVENNER. Yes, sir.

Mr. KEARNEY. With the first witness?

Mr. TAVENNER. Is Mr. Wendell H. Furry in the hearing room?

Mr. KEARNEY. Do you swear that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth, so help you God?

Dr. FURRY. I do.

Mr. KEARNEY. Proceed.

### TESTIMONY OF WENDELL HINKLE FURRY, ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER

Mr. TAVENNER. You are Mr. Wendell H. Furry who appeared as a witness before the Committee on Un-American Activities on February 26, 1953, are you not?

Dr. FURRY. Yes.

Mr. TAVENNER. Are you accompanied by counsel?

Dr. FURRY. Yes, sir.

MR. TAVENNER. Will counsel please identify himself for the record?

MR. FORER. Joseph Forer, 711 14th Street NW., Washington, D. C.

MR. TAVENNER. Mr. Chairman, I think at this point I should state for the record the facts and action of the committee leading up to Mr. Furry's appearance here today, or Dr. Furry's appearance.

A great many calls, telephone calls, by members of the press came to this committee on and prior to March the 13th with reference to the witness' supposed request to appear before the committee, and newspaper articles were called to our attention with regard to it.

I have in front of me the March 10, 1953, issue of the Boston Post which, in headlines, says "Furry will testify in House probe again."

This led to action by the Committee on Un-American Activities in an executive session on March 13, and I read from the minutes of that meeting as follows:

The chairman called the attention of the committee to the press releases made by Dr. Wendell H. Furry indicating that he had arranged to appear before the Committee on Un-American Activities and, in one instance, had stated that he was ready to appear before the committee if called.

After considerable discussion, it was unanimously agreed that in the event the chairman is again contacted by the press to advise the press that no communication of any character had been received by the committee from Dr. Furry with regard to his desire to again appear before the committee, and that in the event Dr. Furry desired to appear before the committee he would be permitted to do so.

(Representative Gordon H. Scherer entered the hearing room at this point.)

MR. TAVENNER. Then a letter was received under date of March 17, 1953, from Wendell H. Furry addressed to the committee, enclosing an affidavit, and in which he stated as follows:

I have since examined the record of my testimony. I am satisfied that I was legally justified under the fifth amendment in all my refusals to answer. On reconsideration, however, I have decided that I wish, nevertheless, to answer certain ones of the questions that I refused to answer. With regard to my refusals to answer other questions, I have not changed my position.

And then he attached an affidavit which he desired to be considered as a part of his testimony, and I think I should read into the record the affidavit:

COUNTY OF MIDDLESEX,

*Commonwealth of Massachusetts:*

Wendell H. Furry, being first duly sworn, deposes and says:

I am not, and have not been at any time in at least the last 2 years, a member of the Communist Party. I have no knowledge of the present existence at Harvard University of any group or cell of the Communist Party.

WENDELL H. FURRY.

Subscribed and sworn to before me this 17th day of March 1953.

MARY CONLON, *Notary Public.*

On the following day, March 18, 1953, the chairman of the committee wired Dr. Furry as follows:

Re request in your letter March 17, 1953, hearing before Committee on Un-American Activities will be granted you in Washington, D. C., on April 16, 1953, 10:30 a. m.

HAROLD H. VELDE, *Chairman.*

So, it appears that the witness is here today as a voluntary witness and is not under subpoena of the committee.

Dr. Furry, I want to make a further statement with regard to your appearance here.



It is noted from the March 10, 1953, issue of the Boston Post that you are quoted as having stated: "Professor Furry has stated that he intends to supplement his previous testimony," referring to the appearance here today.

Now, I trust, Dr. Furry, in supplementing your testimony today you will see fit to cooperate with the committee without any reservations on your part and that you will decide not to limit your testimony to the answering of questions which you may feel, for some personal reason, it is to your interest to answer. In other words, I am asking you now that you are here and you desire to supplement your testimony that you will supplement it without reservation and advise the committee regarding facts that it is seeking to elicit.

Now, as you know, witnesses have testified before this committee that there existed an organized group or cell of the Communist Party made up of exclusively or almost exclusively members of the teaching profession at Harvard University. That cell, according to the public testimony, which has so far been taken, was in existence as early as 1937, and when the individuals testified they left the party in 1939 it was still in existence.

The committee, because of the seriousness of Communist organization of members of the teaching profession, both because of the nature of the profession and because of the great influence that teachers have on members of the community generally, is anxious to learn the extent that the Communist Party has been successful in its objectives. It is anxious to know the methods by which it sought to promulgate its purposes and to accomplish its purposes.

According to this sworn testimony that the committee has, and with which you are familiar, and, in fact, from your own testimony when you appeared before, it is quite apparent that there are facts within your knowledge that, if developed and given, would aid the committee in this investigation.

So, I am asking you now not to limit your testimony to the two things referred to in your affidavit, but to advise this committee fully regarding the subject of its inquiry.

Now, with that preliminary statement, I want to ask you whether you know, of your own knowledge, that this Communist Party group among the professors at Harvard which has been shown to have been in existence by the testimony up to 1939 continued past that date, and, if so, how long it continued.

Dr. FURRY. On the grounds of the first and fifth amendment, which I stated in my previous testimony, I refuse to answer that question.

Mr. TAVENNER. Then, it is quite obvious that in appearing here to supplement your testimony that you do not desire to supplement it in a way to be of any assistance to this committee.

Dr. FURRY. It's evidence that I told the truth in my letter to Mr. Velde.

Mr. KEARNEY. As I take it from the correspondence that has been read here, Doctor, you are willing to come back before this committee and testify to those things that you want to testify to; in other words, you are going to limit your testimony and only answer those questions in accordance with that letter that was written under that date—I have forgotten what it was now.

Mr. MOULDER. The affidavit.

Mr. KEARNEY. The affidavit.

Mr. TAVENNER. The 17th of March.

Dr. FURRY. That is correct, sir. I was convinced I had the right under the fifth amendment, had the privilege, of refusing to answer even these questions before.

Mr. KEARNEY. What was your object in requesting the chairman of the committee then to reappear before the committee voluntarily?

Dr. FURRY. I requested, first, that the affidavit be made part of the record, and simply indicated my willingness to reappear if that was the only way those particular statements could be made part of the record.

Mr. KEARNEY. Well, I am a little bit confused, Doctor, about your thoughts in this matter. If what you say is so, why didn't you testify to that on your original appearance here?

Dr. FURRY. When I appeared here at first, I was naturally, in my public appearance here, not used to this sort of circumstance. I was not at ease. I was under some considerable strain. I could not appreciate the full impression that the whole course of the testimony could give, and I was in fairly complete ignorance of the testimony of other witnesses. I have had a chance to examine all of that at leisure since——

Mr. KEARNEY. Well, this is——

Dr. FURRY. And I——

Mr. KEARNEY. After you had already conferred with counsel; isn't that so?

Dr. FURRY. Yes; I also conferred with counsel.

Mr. KEARNEY. But you are at ease today, I trust?

Dr. FURRY. Not completely, sir.

Mr. MOULDER. Mr. Chairman.

In your affidavit you state that you have not been at any time in at least the last 2 years a member of the Communist Party. What would you say if the question were propounded to you, say, during the last 3 years have you been a member of the Communist Party?

And I am now asking that question——

Dr. FURRY. That is not——

Mr. MOULDER. Have you been at any time——

Dr. FURRY. A hypothetical question?

Mr. MOULDER (continuing). Been a member of the Communist Party?

Dr. FURRY. That is an actual question——

Mr. MOULDER. Yes.

Dr. FURRY. And not a hypothetical question?

Mr. MOULDER. Yes.

Dr. FURRY. I refuse to answer that question on the grounds previously stated.

Mr. MOULDER. Then, in your affidavit, you further state you have no knowledge of the present existence at Harvard University of any group or cell of the Communist Party. Now I am asking you the question as to whether or not you have any knowledge of the existence at Harvard University of any group or cell of the Communist Party at any time during the past 5 years.

Dr. FURRY. I refuse to answer that question on the grounds previously given.

Mr. MOULDER. That is all.

Mr. KEARNEY. Well, then, to be honest, Professor, again will you tell me what was the purpose of requesting a further hearing in your particular case, requesting permission to come before this committee?

Dr. FURRY. My request of permission to come before this committee was not an unqualified request. I requested that these two statements of mine be placed in the record and indicated that I would request that—I did request the opportunity to appear to place them in the record if they could not be got in the record in any other way.

Mr. SCHERER. Doctor, isn't it a fact that you came all the way down here from Harvard to testify that you hadn't been a member of the Communist Party for the last 2 years for the reason that you have made an agreement with the officials of Harvard University that if you so testify you would retain your position as a teacher at Harvard? Now, isn't that the fact?

Dr. FURRY. That is not the fact, sir, and there is no such agreement.

Mr. KEARNEY. Have you discussed with the officials or the board of trustees, or whatever the governing board at Harvard is, your actions as a witness on the stand before this committee and your request to voluntarily appear before the committee again?

Dr. FURRY. I have discussed the matter in general with some members of the Harvard Corporation, and I indicated to them my intention to do so.

Mr. KEARNEY. In other words, you have indicated to them that you would be willing to appear before this committee and state under oath you had not been a member of the Communist Party for the past 2 years?

Dr. FURRY. I told them that was my intention.

Mr. KEARNEY. You had already decided in your own mind that that would be the only testimony you would give before this committee concerning your membership in the Communist Party, past or present, that you had not been a member of the Communist Party in the past 2 years?

Dr. FURRY. When I first indicated to some members of the Harvard Corporation that I intended probably to offer further testimony at this committee, I did not tell them just what it would be. I told them I intended to consult with counsel—

Mr. KEARNEY. But the only—

Dr. FURRY. And to make up my mind—

Mr. KEARNEY. Further testimony—

Dr. FURRY. After further consideration.

Mr. KEARNEY. Pardon me.

The only other testimony you were willing to give before this committee and are willing to give before this committee is that within the past 2 years you have not been a member of the Communist Party; is that correct?

Dr. FURRY. And that I have no knowledge of the present existence—

Mr. KEARNEY. I was going to follow that up.

Dr. FURRY. Of a Communist group at Harvard.

Mr. KEARNEY. But prior to that period of time you refused to testify?

Dr. FURRY. That is correct.

Mr. CLARDY. May I ask a question, Mr. Chairman?

Dr. FURRY, I have your affidavit in front of me, and I must confess your first sentence that you have been referring to leaves me confused. So, I want to ask you some questions about the meaning of the terminology you employ.

You say: "I am not, and have not been at any time in at least the last two years, a member of the Communist Party."

Now, my first question—and there will be a series of them—is this: What do you mean when you say "at any time in at least the last 2 years"?

Dr. FURRY. I mean a time of at least the last 2 years.

Mr. CLARDY. Well, how much time do you mean beyond 2 years, if any?

Dr. FURRY. Well, perhaps you can elicit that by questioning, sir.

Mr. CLARDY. By what?

Dr. FURRY. Perhaps you can elicit that information by questioning.

Mr. CLARDY. Well, do you mean to say 2 years and 1 day?

Now, I'm attempting to find out exactly what you are trying to represent to this committee, and if you mean some period more than 2 years, I wish you would tell me how much more, if you can, because you are leaving in my mind—

Dr. FURRY. I will say not at any time since the 1st of March 1951.

Mr. KEARNEY. Is that when you left the Communist Party?

Dr. FURRY. Sir, that question contains an obvious implication. It's like the question: When did you stop beating your wife?

I refuse to answer that question on the—

Mr. KEARNEY. I assumed—

Dr. FURRY. Constitutional grounds.

Mr. KEARNEY. You would.

Mr. CLARDY. Well, now, the chairman has asked it in a slightly different form than I intended to ask it, and I will put it to you this way: I will preface it with a brief statement. The way you have worded that first sentence leaves in my mind at least the plain inference that you are admitting there that you were a Communist at some period prior to the date that you just mentioned. Now, that is not a question. I am telling you that is the impression I get from your statement.

But my question is this: When were you last a member of the Communist Party?

Dr. FURRY. Sir, that question has just as much of an implication in it as Mr. Kearney's question—

Mr. KEARNEY. I think—

Dr. FURRY. And I refuse to answer it—

Mr. KEARNEY (continuing). The Congressman intended to have—

Dr. FURRY. On the grounds given.

Mr. KEARNEY (continuing). That implication in the question.

Dr. FURRY. Beg pardon.

Mr. KEARNEY. I believe the committee members who just asked that question intended to have that implication in the question.

Dr. FURRY. Well, yes.

Mr. SCHIERER. Well, his own affidavit gives that implication, certainly.

Mr. KEARNEY. Your own affidavit gives that implication.

Dr. FURRY. My affidavit was not intended to give that impression, and did not convey that impression.

Mr. SCHERER. Well, it does.

Mr. CLARDY. Well, do you refuse to answer my question?

Dr. FURRY. I refuse to answer your question.

Mr. CLARDY. On the same grounds?

Dr. FURRY. On the constitutional grounds; yes.

Mr. CLARDY. Let me ask you this: If it does not contain that implication, why did you employ such careful language when you said you had not been a Communist at any time in the last 2 years, instead of saying, "I have never been a Communist at any time"?

Now, why did you choose this language instead of that which I just suggested?

(At this point Dr. Furry conferred with Mr. Forer.)

Dr. FURRY. I used that language because that was as much as I was willing to say without asserting the privilege of the——

Mr. CLARDY. Now, may I inquire why you were not willing to say more than that?

Dr. FURRY. I refuse to answer that on the constitutional grounds, sir.

Mr. CLARDY. Well, sir, would you not agree that it is a fair implication from that language and your answers that you are concealing something from this committee about the period prior to the date you mentioned?

Dr. FURRY. I am refusing to answer certain questions about that period. That's been——

Mr. CLARDY. Well, I——

Dr. FURRY. Obvious all along, sir.

Mr. CLARDY. We understand it perfectly; but, Doctor, I am not trying to trap you. I am not trying to get you to say anything in that way, in any way that might incriminate you or make you a witness against yourself; but if you expect your trip here to do you any good, if you intend to allay any of these implications which you say may be drawn from what we ask, a plain answer to the question I have asked—that you have never been a Communist—will allay the ghost forever, unless there is other testimony to dispute you.

Now, bear with me for just a moment. The next sentence—you say you have no knowledge of the present existence at Harvard University of any group or cell of the Communist Party. Now, that, to my mind at least, leaves the plain implication when you use the word "present" that you do have knowledge of the existence of such a group or cell at some time in the past. So, my question is this: During what period did such a cell exist to your own knowledge?

Dr. FURRY. I refuse to answer that question on the grounds that I have stated before.

Mr. CLARDY. Do you have knowledge that such a cell did exist at some such time?

Dr. FURRY. I refuse to answer that question on the grounds stated before.

Mr. CLARDY. Well, Doctor, was your trip down here designed in any way to create the impression in the public mind or in the mind of those who employ you that you have never at any time been a member of the Communist Party? In other words, is that the purpose of your trip and your testimony here?

Dr. FURRY. The purpose of my trip and my testimony is to make precisely the statements which are made in my written communication——

Mr. CLARDY. Then you——

Dr. FURRY. To the committee.

Mr. CLARDY (continuing). Did you intend to come here for the purpose of denying past party membership; is that true?

(At this point Dr. Furry conferred with Mr. Forer.)

Dr. FURRY. Now I have forgotten the question.

Mr. CLARDY. Will you read it to him, Mr. Reporter?

(The reporter read the question as follows:

Then you did not intend to come here for the purpose of denying past party membership; is that true?)

Dr. FURRY. Yes; that is true, sir, and I think that probably the purpose might be made a little more clear if the entire contents of my letter to Mr. Velde were read into the record——

Mr. KEARNEY. Well——

Dr. FURRY. If Mr. Tavenner wants to do that, or——

Mr. CLARDY. We are trying to get at it by testimony directly from you, and give you an opportunity to thoroughly explain.

Mr. KEARNEY. In other words, the purpose of your testimony here today, Doctor, is indicated in the words of your affidavit; isn't that so?

Dr. FURRY. Practically so, sir.

Mr. KEARNEY. In other words, "I am not, and have not been at any time in at least the last 2 years, a member of the Communist Party"?

Dr. FURRY. Plus the other statement, sir; yes.

Mr. KEARNEY. Plus that you have no knowledge of the present existence at Harvard University of any group or cell of the Communist Party?

Dr. FURRY. I am willing to add to that, sir, I have no knowledge of it at any time during the last 2 years.

Mr. CLARDY. But you won't——

Mr. KEARNEY. And that is as far back as you will go?

Dr. FURRY. Yes, sir.

Mr. MOULDER. Mr. Chairman, may I ask a question?

For the second time, I want to ask you the question: Have you ever been a member of the Communist Party?

Dr. FURRY. I refused to answer that question in previous testimony and I now refuse to answer it on the same grounds I have stated.

Mr. KEARNEY. Mr. Scherer.

Mr. SCHERER. Doctor, isn't it a fact that on or about March 1951 you got out of the active membership in the party as a result of an arrangement between you and the party for doing so for the reason that it would be beneficial both to you and the party at that time?

(At this point Dr. Furry conferred with Mr. Forer.)

Isn't that a fact?

Dr. FURRY. That is not a fact, sir.

Mr. SCHERER. Isn't that a fact?

Is any part of what I said true?

Dr. FURRY. No, sir.

Mr. SCHERER. Have you accepted any discipline of the party within the last 2 years?

Dr. FURRY. No, sir.

Mr. SCHERER. None whatsoever?

Dr. FURRY. None whatsoever.

Mr. SCHERER. Did you ever accept any discipline of the party prior to the last 2 years?

Dr. FURRY. I refuse to answer that question on the grounds previously stated.

Mr. KEARNEY. All right, Mr.—

Dr. FURRY. I would like to make one——

I would like to make one further——

Mr. KEARNEY. Mr.—

Dr. FURRY. Addition, sir, before you close.

Mr. TAVENNER. We are not going to close.

Mr. KEARNEY. Is this an observation on the question or is this going to be an attempt to harangue the committee or make a speech?

Dr. FURRY. Well, there is no need for me to make it now if the hearing is not about to close. I didn't know what the meaning of your gavel was. It, however, was simply——

Mr. KEARNEY. My gavel, for your information, Professor, was to have counsel proceed——

Dr. FURRY. Yes, sir.

Mr. KEARNEY. And speedily end this hearing, because I think it leads to nowhere.

Dr. FURRY. Yes. Well, if the hearing is likely speedily to end, I simply would like to amplify my answer to a question about the bearing of these statements on my position at Harvard University, and that is: That no action on my part was specified by the authorities of the university; that the authorities of the university made no promise to me of any sort as the probable or certain, or any other such word, results of my taking this action.

Mr. CLARDY. But——

Mr. KEARNEY. What is your present status at the university?

Dr. FURRY. Beg pardon.

Mr. KEARNEY. What is your present status at the university?

Dr. FURRY. I am to continue with my duties, so far as I am able, and I am naturally missing some of them today, and my case is being very carefully considered by the authorities at the university.

Mr. KEARNEY. Now, one or two more questions, please.

Doctor, all of this correspondence between you and the chairman and this affidavit resulted in the fact, did it not, that after your testimony here, your previous testimony, immediately upon leaving the committee room you went to the offices of the Associated Press and stated to them in words or in substance that for the past 2 years you had not been a member of the Communist Party?

Dr. FURRY. I did not make that statement, sir. I stated I am not a member of the Communist Party.

Mr. KEARNEY. You stated you were not a member of the Communist Party?

Dr. FURRY. In that press statement.

Mr. KEARNEY. That was at the present time?

Dr. FURRY. Yes.

Mr. KEARNEY. You didn't state to the pressman you had been a member of the Communist Party at any other time?

Dr. FURRY. I refuse to answer any questions by them on this subject.  
Mr. MOULDER. Mr. Chairman.

One additional question: At any time while you were employed or have been employed at Harvard University as a professor or as a teacher—at any time during that period of employment—were you a member of the Communist Party?

Dr. FURRY. I refuse to answer that question on the grounds previously stated.

Mr. MOULDER. That's all, Mr. Chairman.

Mr. CLARDY. Witness, we have talked about the present and you have refused to answer about the past. I want to ask you now about the future.

Is there any intention on your part to rejoin the party as soon as this little episode has been forgotten?

Mr. FURRY. Sir, that question contains an implication.

Mr. CLARDY. It sure does.

Mr. FURRY. If you will word it differently, I will answer it.

Mr. CLARDY. I will let it stand as it is.

(At this point Dr. Furry conferred with Mr. Forer.)

Dr. FURRY. I have no intention whatever of joining the Communist Party at any future time, sir.

Mr. KEARNEY. Or rejoining the party?

Dr. FURRY. I have no intention of joining it in any way at any future time.

Mr. KEARNEY. Have you any intention of rejoining the party?

Dr. FURRY. Sir, I will not accept the wording of that question. If you insist on wording it that way, I will refuse to answer on constitutional grounds.

Mr. KEARNEY. Will you answer the question or decline to answer it?

(At this point Dr. Furry conferred with Mr. Forer.)

Dr. FURRY. I decline to answer it worded that way—

Mr. KEARNEY. Proceed, Mr. Counsel.

Dr. FURRY. On constitutional grounds.

Mr. TAVENNER. Dr. Furry, I am not certain I fully understood your answer to a member's question as to your reason for not telling the committee when you were here before as a witness that you had not been a member of the Communist Party for at least 2 years. Will you explain that to me, please?

Dr. FURRY. Well, the circumstances of the hearing prevented me from having as full a view of the whole situation and the whole impression that would be given by the evidence of myself and others as I could get later on a careful study of it.

Mr. TAVENNER. Well, now, as a matter of fact, Dr. Furry, hadn't you determined before you came to that committee hearing that you would answer that question just as you did and that you would not tell this committee anything about your membership or nonmembership at the time?

Dr. FURRY. I don't quite understand, sir, what you're asking of whether I had predetermined or not.

Mr. TAVENNER. I am asking you if you had not deliberately decided ahead of the hearing that you would not answer the question as to whether or not you are now a member of the Communist Party?



Dr. FURRY. Well, sir; before the hearing I could have even less notion of what impression would be given to the testimony than I could have at the hearing.

Mr. TAVENNER. Will you answer my question? It is a direct question.

Dr. FURRY. And because of that reason and because of the impressions I had received at the private hearing the committee had given me a week before, I had indeed, after consultation with counsel, decided that I would refuse to answer.

Mr. TAVENNER. Yes. You knew before the hearing you were going to refuse to answer. So, it wasn't a question of your being taken off guard at all. It wasn't a question that you were under any stress or strain at this hearing. You had decided ahead of time you were not going to answer that question.

Dr. FURRY. It was not a matter of my being taken off guard or of my being confused, sir. I won't deny that I may have perhaps sometimes been either or both of those, but I simply say that under the circumstances of the hearing, giving questions—giving answers in rapid succession to questions, with the subject changing frequently, I could not get the view of what the whole effect of the evidence would be that I could get later on from deliberate study.

Mr. TAVENNER. But you have just told us you made the decision before you came to the hearing room that you would not answer that question.

Dr. FURRY. And I have also told you I could have even less notion about what the whole effect would be before the evidence had even happened.

Mr. CLARDY. Counsel, one question at that juncture: At this hearing you are not being rushed or hurried or harried at all, are you?

Dr. FURRY. Not very much, sir.

Mr. CLARDY. Well, you are not at all, are you? You have been able to take your time. In fact, we have had to have a question read back. You took so much time conferring. Isn't that true?

Dr. FURRY. It has been pretty good, sir.

Mr. CLARDY. Thank you.

Mr. KEARNEY. Well; that is quite an admission from the witness—that it has been pretty good.

Dr. FURRY. Well; my wife sometimes says the word "not bad" from me is about the highest praise I ever give, sir.

Mr. KEARNEY. All right, proceed.

Mr. CLARDY. You have exceeded that, then?

Dr. FURRY. I have exceeded that.

Mr. TAVENNER. What I am trying to ascertain, Dr. Furry, is that, whatever the effect was, you had decided before you came to this meeting, to this hearing, you would not answer the question as to whether or not you were at the present time a member of the Communist Party.

Dr. FURRY. That is correct.

Mr. TAVENNER. Therefore, you refused to answer that question, but at the same time you had prepared in advance, had you not, a statement you proposed to give to the press, in which you were taking the position that you were not at that time a member of the Communist Party; isn't that true?

Dr. FURRY. Yes, sir, and this statement to the press, of course, was an entirely different sort of thing from any answer to the question

here. It was followed, it's true, by some questions from some members of the press; but, these questions were not as skillful—

Mr. TAVENNER. Is that—

Dr. FURRY. As yours, Mr. Tavenner.

Mr. TAVENNER (continuing). A copy of the statement you had prepared for the press before you entered the hearing room?

Mr. CLARDY. Has that been marked as an exhibit?

Mr. TAVENNER. No, sir, and I ask it be marked "Furry Exhibit No. 1" for identification only at this time.

Mr. KEARNEY. Let it be so marked.

(The statement of Dr. Wendell H. Furry was so marked "Furry Exhibit No. 1" for identification.)

Dr. FURRY. Well, sir, without reading this, every word at great care, and probably without comparing it with another copy, I couldn't state that with absolute certainty, but it certainly appears to me—

Mr. TAVENNER. To the best of your judgment—

Dr. FURRY. Yes; to the best of my judgment—

Mr. TAVENNER. It is a copy; in fact, it is the very copy which you handed to the downtown office of the United Press, is it not?

Dr. FURRY. Well, I certainly couldn't judge that.

Mr. TAVENNER. Well—

Dr. FURRY. I agree it is quite possible.

Mr. CLARDY. You wouldn't question counsel's word on that, would you?

Dr. FURRY. I would see no reason to question counsel's word.

Mr. TAVENNER. I offer the paper in evidence and ask it be marked "Furry Exhibit No. 1."

Mr. KEARNEY. Received.

(The statement of Dr. Wendell H. Furry, previously marked "Furry Exhibit No. 1" for identification, was received in evidence as "Furry Exhibit No. 1.")

Mr. TAVENNER. Now, you testified, Dr. Furry, when you refused to answer the question before this committee that in your refusal to answer the question you were relying upon the fifth amendment and you were afraid or would have reason to fear that to answer that question truthfully would tend to incriminate you. That was the ground that you had asserted, or one of the grounds you had asserted.

Dr. FURRY. I asserted the grounds, sir, of the fifth amendment not to be a witness against myself.

Mr. TAVENNER. Yes.

Dr. FURRY. Now, this question had in itself a dangerous nature. The setting, both right here and in general, appears to me to be such and the sort of questions which might follow it—the things that might come out of it—and you must remember that I already had appeared in a closed hearing before the committee, and I had some notion of what might follow, and the situation I was in—my own personal situation—I felt, after having secured the legal advice of counsel, and I still feel, I was entirely justified in refusing to answer this question—

Mr. TAVENNER. All right; now—

Dr. FURRY. At the time.

Mr. TAVENNER. Let's review that situation. You decided, before coming to the hearing, that you were not going to answer that question. You came to the hearing and you relied on the fifth amend-

ment—that the answer might tend to incriminate you—and, yet, at the same time you had prepared in advance a statement to give to the public, your own typewritten statement, which could be used in evidence against you.

Dr. FURRY. It was not a sworn statement, sir.

Mr. TAVENNER. It was not a sworn statement, but it was a statement and was evidence which could be used against you. In other words, the point I am making is: You absolutely did not rely on the fifth amendment when you refused to testify here.

Dr. FURRY. I did rely on the fifth amendment, sir.

Mr. TAVENNER. You did in words, but actually you were not in fear of any criminal prosecution when you went out to the press and gave them a written statement of the same thing the committee was asking you about. -

Dr. FURRY. By answering that question to the press, I did not submit myself to further questioning. I did not place myself as a witness at the disposal of counsel for further interrogation.

Mr. TAVENNER. Now, then—

Dr. FURRY. That's probably one aspect of it, but that certainly was an aspect that was lively in my mind.

Mr. TAVENNER. Now, the matter of pleading or relying upon the fifth amendment, the good faith involved in it, is a matter of great importance and if you had such little good faith in resorting to that amendment, under the circumstances, which have been shown here, how can we be certain that you are relying in good faith upon your refusal to answer the questions as to what happened prior to March 5, 1951, at Harvard University with reference to the Communist Party?

Dr. FURRY. The date I gave you was March 1, sir.

Mr. TAVENNER. March 1, 1951.

Dr. FURRY. Sir, my reliance on the fifth amendment on that occasion was in absolute good faith. It depends on my personal situation and on what I could anticipate might come out of that question.

I realize that I have now answered it. I have now given a chance for further questioning.

You gentlemen have, as was brought out a moment ago, been pretty considerate with me, but I feel, in view of what might come from it, I was entirely justified in relying on the fifth amendment on that occasion.

Mr. TAVENNER. How could a person be justified in relying on the fifth amendment when he had already prepared in advance a statement of the same answer to the same question to be presented in writing for public dissemination? How could such a thing have been done in good faith?

Dr. FURRY. Sir, I have certainly not said that answer was directly incriminating.

Mr. TAVENNER. Well—

Dr. FURRY. Also that was not a sworn statement.

Mr. TAVENNER. All right, then, is the same thing true with reference to your position with regard to what occurred at Harvard prior to March 1, 1951, with reference to the Communist Party?

Let's judge that situation under the same standards that you judge your action with reference to your present Communist Party membership. Is it the same?

(At this point Representative Harold H. Velde reentered the hearing room.)

Mr. TAVENNER. Are you adopting—

Dr. FURRY. Sir—

Mr. TAVENNER. Excuse me.

Dr. FURRY. I am quite sure I have the right of the fifth amendment on that question, as I am also quite sure I had it on the preceding one.

Mr. TAVENNER. But you were not actually truthful to this committee, were you, when you said you were in fear of criminal prosecution, which is the effect of your pleading, resorting to the fifth amendment, if, as a matter of fact, you were giving the same information to the public on your own typewritten paper?

Dr. FURRY. Now, Mr. Tavenner, I am not an authority on the law; but I have been talking to various authorities on the law. I cannot state eloquently or in detail what the broad meaning of the privilege of the fifth amendment is, but I certainly understand that it covers more than simply directly incriminating statements, and I am convinced I had the privilege, and that I have it now.

Mr. TAVENNER. Now, how can this committee, in light of your testimony with regard to that, be convinced that you are testifying in good faith when you say you have not been a member of the Communist Party for the past 2 years?

Dr. FURRY. Sir—

Mr. TAVENNER. Is there any evidence you can give us?

Dr. FURRY. That is a true statement, and I have made it under oath, subject to the usual penalties.

Mr. TAVENNER. But you are not willing to go into particulars?

Dr. FURRY. You mean—

Mr. TAVENNER. Let me put the question this way: There has been established here by evidence, which is not disputed, a sworn statement of a number of witnesses, that this Communist Party cell was organized within the teaching profession at Harvard; that there were 12 to 15 members of it; that you were one of them.

Now, you are telling us that for the past 2 years you have not been a member of the Communist Party. Under those circumstances, don't you think there is an obligation on your part to convince the committee, or give it some facts upon which it might rest its opinion, that you had actually withdrawn from the Communist Party, having been shown you were a member at one time?

Dr. FURRY. Sir, I don't know what these facts could be. I've been busy in the work of my profession, very busy, for a number of years past, and the work of my profession is such that politics doesn't enter into it.

Mr. TAVENNER. All right, I think I can help you probably on that. Since March 1, 1951, have you conferred with any Communist Party group in a Communist Party meeting?

Dr. FURRY. I have not.

Mr. TAVENNER. You have not.

Well, what course was followed by you when you withdrew from the Communist Party, if you contend you withdrew?

Dr. FURRY. Sir, that is a question that contains an implication, and I will not answer it under the grounds I have stated already, constitutional grounds.

Mr. TAVENNER. Now, we have learned from a number of witnesses, Dr. Furry, a rather peculiar situation has existed with reference to certain individuals. Lee Pressman was one. Lee Pressman testified at a certain date he withdrew "organizationally"—that was his language—from the Communist Party. That did not necessarily mean that his severance was full and complete in every respect.

Now, I want to know whether there is any distinction or qualification of that character with regard to you, it having been shown by this evidence, which is undisputed, that you were at one time a member.

Dr. FURRY. With regard to my answer that I have not been a member of the Communist Party in the last 2 years, there is no such meaning or implication whatever, sir.

Mr. CLARDY. Counsel, I have a question at that juncture.

You have named an exact date—March 1, 1951. What act on your part took place on that date that enables you to select that as the specific beginning of the period during which you say you have not been a Communist?

(At this point Dr. Furry conferred with Mr. Forer.)

Dr. FURRY. Sir, I haven't given any indication in my testimony that any activity took place on that date, or before it. I have simply said I will give the answer to the question back to that date and I will invoke the constitutional privilege before that date.

Mr. CLARDY. Then why do you select such an exact date as March 1, 1951, if it does not have some specific meaning?

(At this point Dr. Furry conferred with Mr. Forer.)

Dr. FURRY. Sir, that is simply the date I am willing to testify on without using the privilege.

Mr. CLARDY. Well, my question is: Why did you select the date?

(At this point Dr. Furry conferred with Mr. Forer.)

Dr. FURRY. Well, I was asked to specify more precisely some time. I did specify precisely.

Mr. CLARDY. Yes. I asked you how far back you would go—

Dr. FURRY. Yes.

Mr. CLARDY. In the period you were willing to cover by your statement you were not a Communist, and you selected an exact date. Now, I am trying to get at this: Something must have happened that you now recall that fixes that March date as the beginning of the period, and what I am seeking to find is: What took place on or about March 1 that enabled you to single that specific period out, or that specific date out?

Dr. FURRY. Sir, I am not indicating that anything took place at that time.

Mr. CLARDY. Did anything take place?

You say you are not indicating. Did anything take place?

(At this point Dr. Furry conferred with Mr. Forer.)

Dr. FURRY. I refuse to answer that question on the grounds previously stated.

Mr. KEARNEY. Would you have selected just as well the date of February 1?

Dr. FURRY. I refuse to answer that question on the grounds previously stated.

Mr. KEARNEY. Or February 27?

Dr. FURRY. I refuse to answer that question.

MR. KEARNEY. You can select March 1.

Doctor, what is your definition of an outspoken liberal?

DR. FURRY. Well, it's a person who, in general, has liberal views and who is willing to say so to anybody.

MR. KEARNEY. Even though it included membership in the Communist Party?

DR. FURRY. That is not part of my definition, sir.

MR. KEARNEY. Well, I am reading now from your statement that was issued to the press on February 26, 1953:

The attack on me had its main source, I believe, in my record as an outspoken liberal. My sentiments have always been well known to my colleagues and friends, and to many others. I never concealed them, and am still proud of them and convinced of their essential rightness.

Your testimony this morning wouldn't indicate you are following out your own thoughts in that paragraph, would it?

DR. FURRY. Sir, I am not ashamed of my sentiments, as I indicated in my previous testimony.

MR. KEARNEY. But even as far as those sentiments, political or otherwise, are concerned, in your own mind, that causes you to refuse to answer certain questions about your affiliation with the Communist Party?

DR. FURRY. What do you mean "causes" me, sir, to do something?

MR. KEARNEY. Well, just look over the record of your testimony here. You have declined to answer certain questions on the grounds that it might incriminate you—

DR. FURRY. I have not refused—

MR. KEARNEY. And sought refuge under the fifth amendment of the Constitution of the United States.

DR. FURRY. I have not refused to answer any questions about my public utterances or statements I have signed, or anything like that.

MR. KEARNEY. All right, now, with reference to your public utterances, have you ever spoken before a Communist Party group in this country?

DR. FURRY. I decline to answer that question.

MR. KEARNEY. Then, you are not truthful in your former answer, are you?

DR. FURRY. If such a speech were given, it would not be a public utterance.

MR. KEARNEY. It would be a private utterance before a group of individuals who were and are concealed members of the Communist Party: isn't that so?

DR. FURRY. Probably.

MR. KEARNEY. Is there any question about it in your mind?

DR. FURRY. I can't claim to be an expert on these things.

MR. KEARNEY. That is after March 1.

DR. FURRY. At any time.

MR. KEARNEY. How about February 27?

DR. FURRY. I can't claim to be an expert on these matters at any time.

MR. KEARNEY. Prior to February 27, have you ever addressed any Communist Party cell in this country, either at Harvard or any other place?

MR. TAVENNER. What year?

MR. KEARNEY. 1951.

Dr. FURRY. I refuse to answer that question on the constitutional grounds.

Mr. KEARNEY. In other words, Doctor, in order to shorten this hearing, I get the impression—and you correct me if I am wrong—that you came back here today, before this committee, on your own request, but that request contained a particular affidavit, one sentence of which was that you have not been a member of the Communist Party for at least 2 years—the other sentence was that you know of no existence of a Communist Party cell at Harvard today—that as far as any other questions concerning your affiliation with the Communist Party is concerned, you decline to answer?

Dr. FURRY. That is right, sir.

Mr. KEARNEY. Well, Mr. Counsel, I don't see the sense of this committee wasting the time of the good doctor or the members of the committee.

I am frank to say, Doctor, that your testimony this morning leaves me with the same impression that it did when you previously testified here and that testimony is unworthy of belief.

Mr. MOULDER. Mr. Chairman.

Mr. CLARDY. May I ask him just one question, Mr. Chairman?

Mr. MOULDER. I have one more—

Mr. CLARDY. I have one I would like to ask you, Doctor: Is it in your mind that an admission by you or anyone else of either past or present membership in the Communist Party—that, and that alone—would incriminate them in some way?

Dr. FURRY. That is not my belief, sir, but that is also not my belief of what the protection of the fifth amendment amounts to.

Mr. CLARDY. Well, then, is it a fair assumption on my part that, in invoking the fifth amendment, it has to do with some other subject, other than membership in the Communist Party, as well as membership?

Dr. FURRY. Sir, the fifth amendment protects a person against being a witness against himself and, although I by no means know much about legal matters, I know the interpretation of this is very broad and means that anything that might play a part—

Mr. CLARDY. Well, I wasn't asking that.

Dr. FURRY. In any way in constructing a criminal accusation—

Mr. CLARDY. I wasn't—

Dr. FURRY. Or carrying on a criminal prosecution is covered.

Mr. CLARDY. Well, we are all lawyers up here—

Dr. FURRY. O. K.

Mr. CLARDY. And you can depend on us having some understanding of that, and that was not my question. My question was: In invoking the fifth amendment here today and in prior hearings, is there some apprehension on your mind that you might incriminate yourself in some other way than an admission in the Communist Party?

Dr. FURRY. The apprehension is that an accusation might take place.

Mr. CLARDY. A what?

Dr. FURRY. An accusation of a criminal act against me might occur, might be made.

Mr. CLARDY. Did that have some relationship to the Communist conspiracy against the Nation?

(At this point Dr. Furry conferred with Mr. Forer.)

Dr. FURRY. Sir, I can't—I can't explain the whole situation—

Mr. CLARDY. I am not—

Dr. FURRY. To you.

Mr. CLARDY. Asking you to.

Dr. FURRY. I have the privilege of the fifth amendment against explaining the whole thing.

Mr. CLARDY. Are you refusing to answer—

Dr. FURRY. I am refusing to answer.

Mr. CLARDY. To finish this up?

Dr. FURRY. I am refusing to explain my whole situation. That is quite plain.

Mr. KEARNEY. Mr. Moulder.

Mr. MOULDER. I have one question: Since the 1st of March 1951, have you arrived at or formed an opinion of the approval or disapproval of the philosophy and objectives of the Communist Party different from your opinion or sentiments held by you prior to the 1st day of March 1951, in that respect?

Dr. FURRY. I would say, sir, my opinions on this subject, so far as they exist, are in probably a constant state of change and that they have been uncertain and subject to change through this whole period.

Mr. MOULDER. The reason I am asking that question is in view of your statement during the past 2 years or since the 1st day of March you haven't been a member of the Communist Party, and I am trying to determine whether or not your ideas and your opinions and your own philosophy in respect to the Communist Party and its objectives have changed from that which you held or the sentiments which you had prior to the 1st day of March 1952.

Dr. FURRY. I've told you that they probably are changing all the time, and I think—

Mr. MOULDER. Well, that question has—

Dr. FURRY. They have probably—

Mr. MOULDER. Given you an opportunity—

Dr. FURRY. Changed since then.

Mr. MOULDER. To redeem yourself, not only on the technical grounds you claim here but also in your own heart as to what you believe; and if you refuse to answer that, it leads us to only one conclusion.

Dr. FURRY. I didn't refuse to answer it. I told you I thought they were rather continuously changing, subject to other influence.

Mr. VELDE. Well, Doctor, are they changing toward you having more sentiment for Soviet Russia and the Communist Party or against Soviet Russia and the Communist Party?

Dr. FURRY. Well, Mr. Velde, everything I read in the press is pretty much against it, and I think I stated in previous testimony that I discount some of that; but I suppose some of it is true, and I think the influence is pretty much toward making me less favorable.

Mr. CLARDY. Then, you do not today approve of the aims and objectives of the Communist Party?

Dr. FURRY. I feel I have very little acquaintance with them today, sir; but if they are what they are represented in the press, I would disapprove them heartily.

Mr. KEARNEY. The committee will adjourn until 10:30 tomorrow morning.

Dr. FURRY. Am I dismissed, sir?

Mr. KEARNEY. You certainly are, Doctor.

(Whereupon, at 11:41 a. m., the hearing was adjourned until 10:30 a. m., Friday, April 17, 1953.)



# INDEX

## INDIVIDUALS

	Page
Acheson.....	200
Allen, Oliver S.....	161-178
Arnold, Thurman.....	213, 214, 219
Berge.....	220
Bergsom, H. A.....	220
Boudin, Leonard B.....	126, 127, 179-221
Bowers.....	193, 194
Breit, Gregory.....	132, 133
Brown, Gerald Edward.....	132, 133
Brown, Jerry.....	232
Burling.....	200
Carusi, Ugo.....	201, 218
Chapman.....	135, 139, 140
Clark, Charles Lindsey.....	237
Clark, Tom.....	219
Conlon, Mary.....	246
Cort, Joseph.....	230, 231
Corwin, Edward S.....	207, 208
Covington.....	200
Cummings, Homer.....	184
Darling, Byron Thorwell.....	129-154 (testimony)
Davis Robert G.....	156, 166-168
Dickinson, Edwin.....	201
Dontzin, Ben.....	232
Douglas, Dorothy W.....	154-159 (testimony) 166, 168
Douglas, Justice.....	228
Edwards, C. L.....	212
Emerson, Thomas I.....	217-219
Fahy, Charles.....	201
Feldman, Armand Labis.....	201, 202, 204, 206, 207, 212
Fenn, R. J.....	211, 212
Fine, Daniel.....	223-243 (testimony)
Flynn, Hulda Rees (nee Hulda Johnson Rees; <i>see also</i> Hulda Mc- Garvey).....	156, 161-178 (testimony)
Flynn, John P.....	165
Forer, Joseph.....	129-154, 245-262
Furry, Wendell Hinkle.....	245-262 (testimony)
Glasser, Abraham.....	125-127 (testimony), 179-221 (testimony)
Golos, Jacob.....	157
Hartman, Fannie.....	165
Holtzoff, Alexander.....	198, 217
Horsky, Charles A.....	220
Jackson, Robert H.....	184, 197
Kerner, William.....	232
Lattimore, Owen.....	220
London, Ephraim.....	154-159
Lumpkin, Katherine.....	156, 166
McGarvey, Hulda ( <i>see also</i> Hulda Rees Flynn).....	156, 162, 165, 166, 168
McGranery, James P.....	217-219, 221
McGuire, Matthew F.....	197, 198
Meyer, Agnes.....	243

	Page
Midonick .....	206
Moncharsh, George .....	220
Murphy, Frank .....	184
Nichols, Congressman .....	198
Nielsen, Professor .....	136
O'Hair, Richard F. ....	136, 147
Ovakimian .....	199
Perlin, Marshall .....	223-243
Philbrick, Herbert .....	165
Polumbaum, Nina .....	232
Polumbaum, Ted .....	232
Pressman, Lee .....	259
Rees, Hulda Johnson. (See Hulda Rees Flynn; Hulda McGarvey.)	
Rybeson, Paul .....	238, 239
Rubenstein, William .....	232
Ruble .....	200
Rumely .....	194
Russo, Mike .....	239
Shorb .....	200
Springer .....	133, 145
Stern, Nikolai .....	199, 204, 205
Weinberg, Joseph .....	133, 134, 150
Weiner, William .....	157
Williams, Professor .....	136
Woerner, Hal .....	232
"X," Mr. ....	199, 204
Zilsel, Paul .....	132, 133

#### ORGANIZATIONS

American Federation of Teachers .....	156
American Physical Society .....	134
Amherst College .....	168
Associated Press .....	253
Anrora Conference .....	135, 136
Bryn Mawr College .....	155
Calco Chemical Co. ....	224
Chemical Bank .....	156
Civil Service Commission .....	208-213, 215
Civil Service Loyalty Rating Board .....	211
Columbia University .....	155, 162, 163, 170
Crane Technical High School .....	130
Department of Justice .....	181, 183, 184, 187, 191, 192, 196-201, 204-208, 212-215, 218-220
Federal Bureau of Investigation .....	198-200
George Washington University .....	169, 170
German-American Bund .....	198
Harvard Corporation .....	249
Harvard University .....	167, 246-249, 251, 253, 254, 257, 258, 260, 261
John Reed Club .....	233
Massachusetts Federation of Teachers .....	168
Michigan State College .....	130-132, 135, 147, 148, 153
Mount Holyoke College .....	162, 163
National Federation of Teachers .....	168
Naval Medical Research Institute .....	165, 170
Navy .....	142
Navy Department .....	170
Notre Dame University .....	225
Office of Price Administration .....	183, 205, 208, 214, 215, 217-220
Office of Surplus Properties .....	220
OGPU .....	199
Ohio State University .....	130, 131, 135, 137, 142
Pennsylvania State College .....	131, 153
Peter Bent Brigham Hospital .....	224
Princeton Graduate School .....	183
Princeton University .....	207

	Page
Radcliffe College	155
Rutgers University	183, 206, 221
Rutgers University School of Law	221
Sammel Adams School	165, 166, 168, 169
Sheffield Scientific School	224
Simmons College	168
Smith College	155, 156, 162, 163, 166-168
State Federation of Teachers	167
Supreme Court of the United States	209, 211, 215, 218
Teachers' Union	167, 168
United Press	256
United States Air Force	135-137, 139, 142, 152
United States Rubber Co.	132, 151
University of Connecticut	132
University of Illinois	130, 153
University of Michigan	130, 153
University of Wisconsin	130-132, 134, 150, 153
Wellesley College	168
Western Electric Co.	132
World Tourists, Inc.	157
WQQW Radio Station	166
Yale School of Medicine	224, 231, 238
Yale University	131-133, 153, 224, 230-232, 237

## PUBLICATIONS

Boston Post	246, 247
Daily Worker	231, 237
Physical Review	143
Sunday Worker	231

X



